FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR #: 2254

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FEDERAL ELECTION COMMISSION

Routing cards and sheets

12-Day reports and comment sheets

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

____	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
X	(5) Internal Documents		

TW 12/3/86

Signed Anne Weissenborn

date 12/2/86

FEC 9-21-77

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2254

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1986

Benjamin L. Ginsberg, Legal Counsel
National Republican Congressional
Committee
320 First Street, S.E.
Washington, D.C. 20003

Re: MUR 2254

Dear Mr. Ginsberg:

On October 3, 1986, the Commission notified the National Republican Congressional Committee of a complaint alleging violations of law.

The Commission, on November 3, 1986, determined that there is no reason to believe that the complaint raises issues or presents evidence indicating violations of laws within the jurisdiction of the Commission. 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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320 First Street, S.E.
Washington, D.C. 20003

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Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 7, 1986

James Ronald Steiger
205 North B Street
Easley, South Carolina 29640

RE: MUR 2254

Dear Mr. Steiger:

The Federal Election Commission has reviewed the allegations of your complaint dated September 21, 1986, and has 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 the complaint raises issues or presents evidence indicating violations of laws within the jurisdiction of the Commission. 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 Federal Election Campaign 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

8 6 0 4 0 5 2 0 9 8 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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205 North B Street
Easley, South Carolina 29640

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Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

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AW 11/4/86

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 2254
National Republican Congressional Committee	)	
Guy Vander Jagt, Chairman	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 3, 1986, the Commission decided by a vote of 5-0 to take the following actions in MUR 2254:

1. Determine that there is no reason to believe that complaint raises issues or presents evidence indicating violations of laws within the jurisdiction of the Commission.

2. Close the file.

3. Send the letters, as recommended in the First General Counsel's Report signed October 29, 1986.

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

Attest:

11-4-86
Date

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

Received in Office of Commission Secretary:	Thurs.,	10-30-86,	9:27
Circulated on 48 hour tally basis:	Thurs.,	10-30-86,	4:00
Deadline for vote:	Mon.,	11-3-86,	4:00

86040520984

SENSITIVE

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION:

MUR #2254
DATE COMPLAINT RECEIVED BY OGC: 9/29/86
DATE OF NOTIFICATION TO RESPONDENT: 10/3/86
STAFF: Anne Weissenborn

RECEIVED OFFICE OF THE FEC COMMISSION SECRETARY
86 OCT 30 A 9:27

COMPLAINANT'S NAME: James Ronald Steiger

RESPONDENTS' NAMES: National Republican Congressional Committee, Guy Vander Jagt, Chairman

RELEVANT STATUTE: None

INTERNAL REPORTS CHECKED: None

SUMMARY OF ALLEGATIONS

On September 26, 1986, James Ronald Steiger filed a complaint involving the National Republican Congressional Committee ("the NRCC"), and Guy Vander Jagt as chairman, which questions "the legality and ethical propriety" of the use by the NRCC of the letterhead "Congress of the United States, U.S. House of Representatives, Washington, D.C.," of the use of stationery possibly "paid for out of office expenses," of the implication of the House in party business, and of sending out the mailing involved under the Congressional frank. Enclosed with the complaint was a copy of a solicitation letter and accompanying "Memorandum" and "Constitutional Petition." Not enclosed was a copy of the envelope which the complaint alleges had "no stamp, postmark or 'postage paid' mark." In response to an inquiry by this Office, the complainant stated that he initially sent the entire mailing, including the envelope, to the incumbent

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congressman from his district, and that when he asked for it to be returned the envelope did not appear. The complainant remembers "a black mark" in the upper right-hand corner.

The respondents were notified of the complaint on October 3, 1986. A response from counsel for the respondents was received on October 20, 1986. (Attachment 1).

FACTUAL AND LEGAL ANALYSIS

Counsel states that the NRCC "intends to fully report the costs of this mailing on the monthly report of NRCC-Expenditures as a general fundraising experience." In addition, he notes that the solicitation contained the disclaimer, "Paid for by the National Republican Congressional Committee" pursuant to 2 U.S.C. § 441d.

Although the wording of the letterhead used for the solicitation letter here at issue is as quoted by the complainant, the letter also contains in the upper corners of the first page the names of the National Republican Congressional Committee and of Guy Vander Jagt, Jr. as chairman. It bears a copyright mark and "NRCC, 1986" in the lower left-hand corner. And, as noted by counsel, at the bottom of the "Memorandum" and "Constitutional Petition" is the statement, "Paid for by the National Republican Congressional Committee." Therefore, there is no evidence that the production costs associated with the contents of the mailing were met by any entity other than the committee.

With regard to the propriety of the NRCC using the letterhead "Congress of the United States - House of Representatives," counsel cites House Rule XLIII, clause 11, which prohibits "non-House"

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individuals, groups and organizations from using such words on any letterhead or envelope, but which, pursuant to the General Interpretation contained in the Ethics Manual for Members and Employees of the U.S. House of Representatives, does "not apply to the Democratic and Republican Congressional Campaign Committees." (Attachment 1, page 5). Even if these committees were covered by this provision, jurisdiction over the enforcement of its provisions would rest with oversight committees of the House of Representatives, not with the Commission.

Counsel also denies that the solicitation letter in question was mailed under the Congressional frank; rather, counsel asserts that it "was paid for in full by the NRCC from its general operating expenses." Because the complainant did not provide the envelope, there is no evidence before the Commission counter to counsel's assertion. In addition, even if evidence of use of the frank seemed clear, jurisdiction over such use would again rest with Congressional oversight committees, not with the Commission.

A remaining issue is whether the use of the frank on behalf of a political committee would result in a contribution from the user. 2 U.S.C. § 431(8)(A) defines "contribution" to include "any gift, . . . or anything of value made by any person for the purpose of influencing any election for Federal office," "Person" is defined at 2 U.S.C. § 431(11) as not including "the Federal Government or any authority of the Federal Government." The funds used for franked mail are Federal funds, not the funds of an officeholder or

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other person or entity granted the privilege of sending mail as franked mail. Therefore, no contribution would arise, even if it were to be shown here that the NRCC had benefited from another's Congressional franking privilege.

PROPOSED RECOMMENDATIONS

1. That the Commission determine that there is no reason to believe that complaint raises issues or presents evidence indicating violations of laws within the jurisdiction of the Commission.

2. Close the file.

3. Send the attached letters.

Charles N. Steele
General Counsel

Date 10/29/86

BY: Lawrence M. Noble
Deputy General Counsel

Attachments

Response of NRCC
Letters (2)

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SOC # 1790
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86 OCT 20 P12:56

National Republican Congressional Committee

320 FIRST STREET, S.E. • WASHINGTON, D.C. 20003 • 202-479-7000

GENERAL COUNSEL
Jan W. Baran

LEGAL COUNSEL
Benjamin L. Ginsberg

October 17, 1986

86 OCT 21 P4:26

86040620989

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

Dear Mr. Steele:

Re: Matter Under Review 2254

This responds to your letter of October 3, 1986 concerning a complaint filed with the Federal Election Commission ("FEC") against the National Republican Congressional Committee ("NRCC") by James Ronald Steiger. This complaint, while failing to cite any section of the Federal Election Campaign Act ("the Act") or the Regulations, nonetheless seeks redress by the FEC.

This complaint fails to cite any legal or factual basis upon which the FEC can conclude the NRCC violated the Act. Accordingly, this complaint should be dismissed and no action taken against NRCC.

NRCC wishes to bring two facts to the attention of the Commission. First, despite the insinuation in the complaint, NRCC

Attachment 1

①

Paid for by the National Republican Congressional Committee. Not produced at government expense

intends to fully report the costs of this mailing on the monthly report of NRCC-Expenditures as a general fundraising expense. In addition, the mailer carries a disclaimer, "Paid for by the National Republican Congressional Committee," as required by 2 U.S.C. 441d.

Secondly, although it is outside the FEC's jurisdiction, NRCC has fully complied with the Rules of the House of Representatives in sending out this mailing. This mailing was not sent under the congressional frank and was paid for in full by the NRCC from its general operating expenses. As the last paragraph of the enclosed passage from the Ethics Manual for Members and Employers of the U.S. House of Representatives demonstrates, the form of the mailing is completely within the rights enjoyed by NRCC:

> The prohibitions of clause 11 also would not apply to the Democratic and Republican Congressional Campaign Committees, nor would it apply to the various informal Member organizations or caucuses composed solely of Members of Congress. These ad hoc Member groups, which are quasi-official in nature, and the party campaign committees would not be considered "non-House organizations" for purposes of Rule XLIII, clause 11.

(Ethics Manual For Members And Employees Of The U.S. House Of Representatives, p. 153).

Accordingly, Mr. Steiger's complaint should be dismissed.

Sincerely,

Benjamin L. Ginsberg
Legal Counsel

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The Committee emphasizes that this opinion in no way seeks to encourage the establishment of uniform job descriptions or imposition of any rigid work standards on a Member's clerical staff. It does suggest, however, that it is improper to levy, as a condition of employment, any responsibility on any clerk to incur personal expenditures for the primary benefit of the Member or of the Member's congressional office operations, such as subscriptions to publications, or purchase of services, goods or products intended for other than the clerk's own personal use.

The opinion clearly would prohibit any Member from retaining any person from his clerk hire allowance under either an express or tacit agreement that the salary to be paid him is in lieu of any present or future indebtedness of the Member, any portion of which may be allocable to goods, products, printing costs, campaign obligations, or any other non-representational service.

In a related regard, the Committee feels a statement it made earlier, in responding to a complaint, may be of interest. It states: "As to the allegation regarding campaign activity by an individual on the clerk-hire rolls of the House, it should be noted that, due to the irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on congressional employees. At some times, these employees may work more than double the usual work week—at others, some less. Thus employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods. If, during the periods he is free, he voluntarily engages in campaign activity, there is no bar to this. There will, of course, be differing views as to whether the spirit of this principle is violated, but this Committee expects Members of the House to abide by the general proposition."

C. Advisory Opinion No. 3, Issued June 26, 1974

Revoked by the Committee on Standards of Official Conduct February 5, 1981.

D. Advisory Opinion No. 4, Issued May 14, 1975

Revoked by the Committee on Standards of Official Conduct February 5, 1981.

E. Advisory Opinion No. 5, Issued April 4, 1979

General Interpretation of House Rule XLIII, Clause 11

REASON FOR ISSUANCE

The Committee has received a number of inquiries concerning the application of House Rule XLIII, clause 11, to specific factual situations. This advisory opinion is issued to provide a general interpretation of the rule for the guidance of Members and interested parties.

(3)

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 11, adopted on January 15, 1979, provides as follows:

> A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization to use the words "Congress of the United States," "House of Representatives," or "official business," or any combination of words thereof, on any letterhead or envelope.

This addition to the Code of Official Conduct took effect upon adoption. The primary purpose of clause 11 is to prohibit Members from authorizing private organizations to use a facsimile of their congressional stationery to solicit contributions or political support in a direct mail appeal. Such use of congressional letterhead by non-House groups is clearly intended to convey the impression that the solicitation is endorsed by the Congress or is related to the official business of the Member who signs the letter. In adopting clause 11, the House has determined that the use of congressional letterhead facsimiles by private organizations is a deliberate misrepresentation which reflects discredit upon the House of Representatives.

Rule XLIII, clause 11 generally would prohibit a Member from authorizing a non-House individual or group to use that Member's congressional stationery, or any letterhead that purports to be an official communication from the Congress, in any mailing paid for with non-appropriated funds. This prohibition would apply to any letterhead designed in such a manner as to convey the impression that the letter is an official communicatio The Committee emphasizes that Rule XLIII, clause 2 directs M nbers "to adhere to the spirit and the letter of the Rules of the ouse of Representatives . . . " Therefore, since clause 11 is int ed to prohibit solicitations by private interest groups on facs es of congressional stationery, it would appear to be a violati f the spirit of that rule if a Member authorized a non-House gr p to use letterhead that did not contain the words prohibited by clause 11, but which was designed to convey the impression that it is an official communication from the Congress. For example, l terhead which purports to be an official communication by co aining a Member's committee assignments, office address, and th "congressional seal" would be contrary to the spirit of clause 11. he Committee notes in this regard that title 18 of the United Sta s Code, section 713, specifically prohibits use of the United State- seal for the purpose of conveying a false impression of sponsorshi y the United States Government.

The clause 11 prohibition is not intended i ny way to restrict a Member's communication with the public o is right to lend his name to any organization or interest group. The rule imposes no restriction on a Member's freedom to sign a nd-raising appeal or other solicitation of political support on a n n-House group's own letterhead, and be identified as a Member of ongress. Similarly, a Member's name and title may appear in th letterhead of a non-House organization (e.g., if the Member serv in an official capac-

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The term "non-House individual group, or organization" as used in the rule would not extend to a Member's principal campaign committee. The Committee understands that the clause 11 prohibition on lending a congressional letterhead to private groups was not intended to prohibit a Member from using a facsimile of official stationery in fund-raising activities for his own campaign. This interpretation is based on the debate in the Democratic Caucus which recommended adoption of clause 11 on December 6, 1978, and on the legislative history on a similar amendment that was offered to the Ethics in Government Act during the 95th Congress (see *Congressional Record*, September 20, 1978, page H10212). It should also be noted that the Senate Select Committee on Ethics issued an advisory opinion imposing comparable prohibitions on use of official stationery by non-Senate groups, and did not apply those prohibitions to a Senator's campaign committee.

The Committee emphasizes again in this regard that the clear intent of clause 11 is to prohibit special interest groups and other private organizations from using congressional letterhead for political solicitations. Such use of congressional stationery facsimiles conveys the false impression that the private group is sponsored or endorsed by the House of Representatives. This is not the case when a Member, strictly on his own behalf rather than for a third party, uses a facsimile of his personalized official stationery for campaign fund raising appeals or other political mailings. With respect to campaign solicitations, the Committee notes that such letters must include a notice regarding the availability of campaign reports filed with the Federal Election Commission, as required by title 2 of the United States Code, section 435. Moreover, with respect to other political mailings, the Committee does not believe that it is improper for a Member to use his congressional letterhead to send, for example, thank-you notes to contributors or other politically-related letters which may not be mailed under the frank. The Committee is confident that use of a Member's personalized congressional letterhead for political mailings on his own behalf would not be misinterpreted as an official communication from the House of Representatives or an endorsement by the Congress. In sum, the abuse of congressional stationery that clause 11 is designed to correct is not present in the case of a Member's campaign committee, nor was the rule intended to prohibit a Member's use of his congressional letterhead for political mailings.

The prohibitions of clause 11 also would not apply to the Democratic and Republican Congressional Campaign Committees, nor would it apply to the various informal Member organizations or caucuses composed solely of Members of Congress. These ad hoc Member groups, which are quasi-official in nature, and the party campaign committees would not be considered "non-House organizations" for purposes of Rule XLIII, clause 11.

(5)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Benjamin L. Ginsberg, Legal Counsel
National Republican Congressional
Committee
320 First Street, S.E.
Washington, D.C. 20003

Re: MUR 2254

Dear Mr. Ginsberg:

On October 3, 1986, the Commission notified the National Republican Congressional Committee of a complaint alleging violations of law.

The Commission, on , 1986, determined that there is no reason to believe that the complaint raises issues or presents evidence indicating violations of laws within the jurisdiction of the Commission. 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: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

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Attachment 2

(6)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James Ronald Steiger
205 North B Street
Easley, South Carolina 29640

RE: MUR 2254

Dear Mr. Steiger:

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Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2254

NAME OF COUNSEL: Benjamin L. Ginsberg

ADDRESS: National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

TELEPHONE: (202) 479-7025

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.

10-17-86
Date

Nancy S. Marshall
Signature

RESPONDENT'S NAME: Nancy Marshall, Asst. Treasurer

ADDRESS: National Republican Congressional Committee
320 First Street, S.E.
Washington, D.C. 20003

HOME PHONE:

BUSINESS PHONE: (202) 479-7040

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MCC # 1790
RECEIVED AT THE FEC
HAND DELIVERED
86 OCT 20 P12:56

National Republican Congressional Committee

320 FIRST STREET, S.E. • WASHINGTON, D.C. 20003 • 202-479-7000

GENERAL COUNSEL
Jan W. Baran

LEGAL COUNSEL
Benjamin L. Ginsberg

October 17, 1986

86 OCT 21 P4:26
RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20004

86040520997

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Paid for by the National Republican Congressional Committee. Not produced at government expense

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Benjamin L. Ginsberg
Legal Counsel

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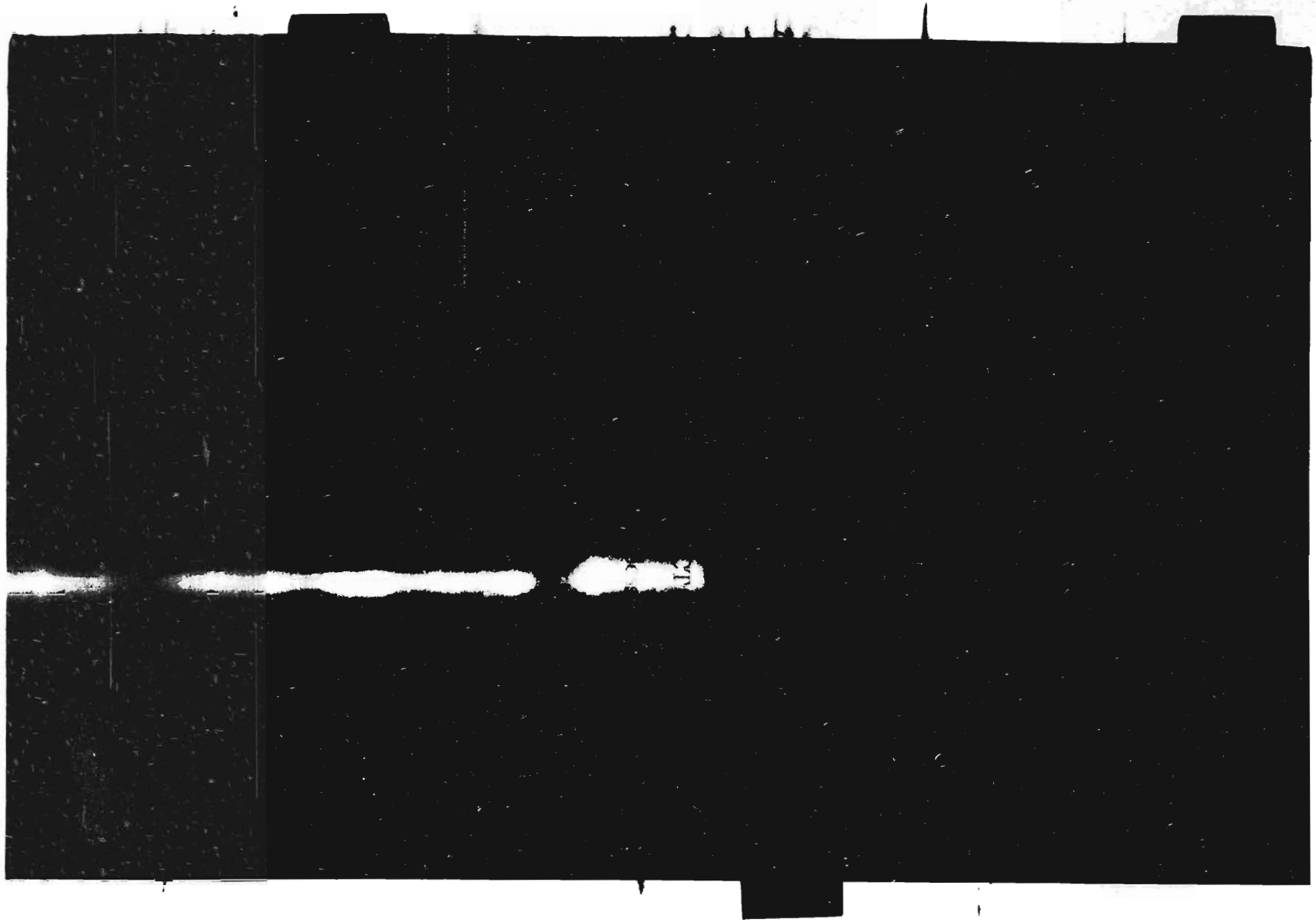

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Jun 11, 1973

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The opinion clearly would prohibit any Member from retaining any person from his clerk hire allowance under either an express or tacit agreement that the salary to be paid him is in lieu of any present or future indebtedness of the Member, any portion of which may be allocable to goods, products, printing costs, campaign obligations, or any other non-representational service.

In a related regard, the Committee feels a statement it made earlier, in responding to a complaint, may be of interest. It states: "As to the allegations regarding campaign activity by an individual on the clerk-hire rolls of the House, it should be noted that, due to the irregular time frames in which the Congress operates, it is unrealistic to impose conventional work hours and rules on congressional employees. At some times, these employees may work more than double the usual work week—at others, some less. Thus employees are expected to fulfill the clerical work the Member requires during the hours he requires and generally are free at other periods. If, during the periods he is free, he voluntarily engages in campaign activity, there is no bar to this. There will, of course, be differing views as to whether the spirit of this principle is violated, but this Committee expects Members of the House to abide by the general proposition."

C. Advisory Opinion No. 3, Issued June 26, 1974

Revoked by the Committee on Standards of Official Conduct February 5, 1981.

D. Advisory Opinion No. 4, Issued May 14, 1975

Revoked by the Committee on Standards of Official Conduct February 5, 1981.

E. Advisory Opinion No. 5, Issued April 4, 1979

General Interpretation of House Rule XLIII, Clause 11

REASON FOR ISSUANCE

The Committee has received a number of inquiries concerning the application of House Rule XLIII, clause 11, to specific factual situations. This advisory opinion is issued to provide a general interpretation of the rule for the guidance of Members and interested parties.

ity or honorary position with that organization), provided that the letterhead does not purport to be an official communication from the Congress.

The term "non-House individual group, or organization" as used in the rule would not extend to a Member's principal campaign committee. The Committee understands that the clause 11 prohibition on lending congressional letterhead to private groups was not intended to prohibit a Member from using a facsimile of official stationery in fund-raising activities for his own campaign. This interpretation is based on the debate in the Democratic Caucus which recommended adoption of clause 11 on December 6, 1978, and on the legislative history on a similar amendment that was offered to the Ethics in Government Act during the 95th Congress (see *Congressional Record*, September 20, 1978, page H10212). It should also be noted that the Senate Select Committee on Ethics issued an advisory opinion imposing comparable prohibitions on use of official stationery by non-Senate groups, and did not apply those prohibitions to a Senator's campaign committee.

The Committee emphasizes again in this regard that the clear intent of clause 11 is to prohibit special interest groups and other private organizations from using congressional letterhead for political solicitations. Such use of congressional stationery facsimiles conveys the false impression that the private group is sponsored or endorsed by the House of Representatives. This is not the case when a Member, strictly on his own behalf rather than for a third party, uses a facsimile of his personalized official stationery for campaign fund raising appeals or other political mailings. With respect to campaign solicitations, the Committee notes that such letters must include a notice regarding the availability of campaign reports filed with the Federal Election Commission, as required by title 2 of the United States Code, section 435. Moreover, with respect to other political mailings, the Committee does not believe that it is improper for a Member to use his congressional letterhead to send, for example, thank-you notes to contributors or other politically-related letters which may not be mailed under the frank. The Committee is confident that use of a Member's personalized congressional letterhead for political mailings on his own behalf would not be misinterpreted as an official communication from the House of Representatives or an endorsement by the Congress. In sum, the abuse of congressional stationery that clause 11 is designed to correct is not present in the case of a Member's campaign committee, nor was the rule intended to prohibit a Member's use of his congressional letterhead for political mailings.

The prohibitions of clause 11 also would not apply to the Democratic and Republican Congressional Campaign Committees, nor would it apply to the various informal Member organizations or caucuses composed solely of Members of Congress. These ad hoc Member groups, which are quasi-official in nature, and the party campaign committees would not be considered "non-House organizations" for purposes of Rule XLIII, clause 11.

perm

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 3, 1986

Mr. James Ronald Steiger
205 North B Street
Easley, SC 29640

Dear Mr. Steiger:

This letter will acknowledge receipt of a complaint filed by you which we received on September 26, 1986, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the National Republican Congressional Committee and the Honorable Guy Vander Jagt as chairman. 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 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 the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2254. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

Lawrence M. Noble (FHP)
By: Lawrence M. Noble
Deputy General Counsel

Enclosure

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Allen

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 3, 1986

The Honorable Guy Vander Jagt, Chairman
National Republican Congresssional Committee
320 First Street, S.E.
Washington, DC 20003

Re: MUR 2254

Dear Mr. Vander Jagt:

The Federal Election Commission received a complaint which alleges that the National Republican Congressional Committee and you, as chairman, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2254. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the National Republican Congressional Committee in 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.

86040521003

If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Lawrence M. Noble (PHT)
By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

8 5 0 4 0 5 2 1 0 0 4

OGC Docket

SENSITIVE

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: THE COMMISSION

FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING

DATE: OCTOBER 1, 1986

SUBJECT: MUR 2254 - COMPLAINT

The attached has been circulated for your information.

Attachment

8 5 0 4 0 5 2 1 0 0 5

GCC#1622

86 SEP 26 P12:56

MUR 2254

September 21, 1986

To: Federal Election Commission
From: James Ronald Steiger
205 North B St.
Easley, S.C. 29640 (Phone 803-859 1736)
Subject: Complaint against the National Republican Committee and Guy Vander Jagt, M.C., Chairman . My complaint questions legality and ethical propriety in each item cited.

86 SEP 26 P2:36

Item (1) No stamp, postmark, or "postage paid" mark appearing on the envelope containing the enclosed material, I conclude the mailing was made under Congressional franc by a political organization. (see item 3)

Item (2) It seems to me that it is improper, if not illegal, for a political party organization to use the letterhead

Congress of the United States
U.S. House of Representatives
Washington, D. C..

Item (3) The content of the letter relates to the business of the Republican Committee, not of the House. Can this implication of the House in party business be ethical ?

Item (4) The letterhead stationery appears to be the kind used by Congressmen and paid for out fo office expenses. If it is what it appears to be, the Republican Congressional Committee has used tax money for its own purposes.

Item (5) The enclosed "MEMORANDUM" and "Constitutional Petition" are clearly self-serving material, also apparently mailed under Congressional franc.

Redress sought: That all such mailings be under interdictum.
(2) That all costs whether postal, supplies, of clerical, be paid by the National Republican Congressional Committee. (referring to the enclosed mailing)

James Ronald Steiger

Enclosure (1) Letter from Guy Vander Jagt
(2) MEMORANDUM

cc/Butler Derrick
H.C.on Standards of Official Conduct
file

86 OCT 1 A9:01

Sworn to and before me this 22nd day of September, 1986

Notary Public
My Commission Expires March 9, 1989

8 5 0 4 0 3 2 1 0 0 6

National Republican
Congressional Committee

Guy Vander Jagt, M.C.
Chairman

Congress of the United States

U.S. House of Representatives
Washington, D.C. 20082-5073

Dear Friend:

Would you like to keep Ronald Reagan in office for a third term?

If you support President Reagan and want his leadership to continue, please sign and return the enclosed Official Constitutional Petition, right away.

This Petition calls for the immediate repeal of the 22nd Amendment which limits a President to only two terms.

If I receive your Petition and enough others, I will personally introduce the legislation necessary to repeal the 22nd Amendment on the floor of the U.S. House of Representatives.

I don't know about you, but with the Soviets flexing their military muscles and madmen like Moammar Gadhafi on the loose, I rest easier knowing Ronald Reagan is my President.

What's more, our economy is booming, inflation and interest rates have been slashed and more Americans are employed and actively pursuing the American dream than at any other time in history.

It can stay like this, if we keep Ronald Reagan in the White House.

Put simply, he is one of the greatest American Presidents of all time and we should try to hold on to him.

Already, there are a number of exceptionally well-qualified Republican presidential candidates who want to carry on President Reagan's programs and policies. But why shouldn't we hold on to the "original" as long as possible?

Franklin Roosevelt had nearly four terms in office during which he launched the liberalism of the last 40 years.

If Ronald Reagan could have even one more term in office, I'm confident he will set this nation on a course of prosperity, opportunity and security which will carry us well into the 21st century.

©NRCC, 1986

(over, please)

R50405210007

What's more if President Reagan's name were again on the ballot he would be unbeatable. Why, as a Party, should we risk a hard fought campaign against a Democrat who might be as incompetent as Jimmy Carter, as big a spender as Lyndon Baines Johnson or a member of the "blame America first" crowd like Walter Mondale?

In 1947, Congress put forth the 22nd Amendment limiting the President to two terms because they didn't think the voters had enough sense to know when a President should be fired!

So, instead they took it on themselves to make sure all modern presidents would be forced into retirement after no more than two terms in office.

If a President isn't doing a good job, the American people will put him out to pasture just like they did with Jimmy Carter.

But Ronald Reagan and this nation should not have to suffer just because Congress doesn't think you and I have the wisdom to decide with our votes how long our Presidents should serve.

The 22nd Amendment is an absolute insult to you and me and every voter in this country. And it should be repealed.

There's no limit on the number of times big spending Democrats can win election to the House of Representatives. And there shouldn't be a limit on how long President Reagan can stay on the job, stopping their reckless spending schemes.

Here's how you can help repeal the 22nd Amendment and pave the way for Ronald Reagan's third term.

First, I want to ask you to sign the enclosed Official Constitutional Petition to Repeal the 22nd Amendment. If you and I can generate a groundswell of support for repealing the 22nd Amendment, Congress will be forced to act.

Your Petition is the type of concrete, undeniable evidence of grassroots support we'll need to make Congress repeal the 22nd Amendment.

Your signature on this Petition says, in the most powerful way possible, you support President Reagan and you want to restore the right of the voters to decide how long a President should serve.

When Washington, D.C. is virtually flooded with these petitions it will be hard for even the President's strongest opponents to stand in the way of repealing the 22nd Amendment.

(continued on next page)

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But to win the battle to "Repeal the 22nd" it is absolutely imperative that we get these petitions into the hands of millions of Americans from coast to coast.

That's why it is critical that when you return your Official Petition to me you also enclose a special contribution to our Party's 1986 RONALD REAGAN CONGRESSIONAL VICTORY FUND.

By making a contribution of $20, $40, $60, $80 or even $100 today you'll be helping to print and distribute these vital Constitutional Petitions to fellow Reagan supporters in every state.

If you send $20 it will make it possible for us to print and distribute nearly one hundred petitions. Your contribution will also play an indispensable role in electing Republicans who will help the President during the next two years and who will carry on his programs even if we fail to give him a third term.

Whether the President has two or six more years in office, your contribution today will help make those years a success.

This RONALD REAGAN CONGRESSIONAL VICTORY FUND was established by the National Republican Congressional Committee to provide our GOP candidates with the financial resources needed to defeat their liberal, special interest group-backed, Democratic opponents.

To print and distribute more Petitions as well as give our candidates the assistance they urgently need, I hope to raise no less than $2.1 million in the next 60 days.

If you have any doubts about sending at least $20 stop for a moment to consider what it would mean to you, your family and our nation if Ronald Reagan could have another four years to finish all his programs. I hope your security and prosperity are worth at least a $20 investment now.

For your family, our President and our nation, I hope you will sign your Petition and be as generous as you can.

Sincerely,

Guy Vander Jagt

Congressman Guy Vander Jagt
Chairman

GVJ/jmg

P.S. I know of no stronger way in which you can show your support for President Reagan than by signing your Petition and sending your largest possible contribution.

86040621009

MEMORANDUM

TO: Congressman Guy Vander Jagt
Chairman, RONALD REAGAN CONGRESSIONAL VICTORY FUND
Washington, D.C. 20082-5073

FROM:

Mr. J. Ronald Steiger
205 North B. St.
Easley, South Carolina 29640 G64BPS

Ronald Reagan is one of the greatest American Presidents of all time and I want to try to keep him on the job.

I've signed my Petition and I'm making a special contribution to help you 1) print and distribute more Petitions and 2) elect more Republicans to the House who will help the President carry on his programs even if we fail to give him a third term. Enclosed is my contribution made payable to the RONALD REAGAN CONGRESSIONAL VICTORY FUND in the amount of:

/ /$20 / /$40 / /$60 / /$80 / /$100 / /$_____
other

(Please do not tear or remove your Reply Memorandum from the Petition below. The information on the Memo will enable us to divide and tabulate yours and the other Petitions not only by state but also by congressional district.)

Constitutional Petition

TO THE
MEMBERS OF THE
UNITED STATES CONGRESS

I hereby exercise my right as guaranteed by the Bill of Rights to petition the government for a redress of grievance.
Whereas, under President Reagan's leadership our nation is enjoying it's highest levels of prosperity and security in years;
Whereas, the American people are fully capable of deciding how long a president should serve; and
Whereas, I strongly believe the President should have the opportunity to seek a third term but is prevented from doing so by the 22nd Amendment;
Therefore, I urge Congress to pass immediately a 27th Amendment which would simply state: "The twenty second Amendment to the Constitution of the United States is hereby repealed."

_____ _____
Signature *Date*

Paid for by the National Republican Congressional Committee. Corporate contributions are prohibited by law.

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My telephone numbers are:

( ) _____ ( ) _____

Home Business

The Federal Election Commission requires that we report the following information:

_____

Occupation

_____ ☐ Please check if self-employed

Name of Employer

This check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account.

_____

Signature

85040521011

RECEIVED AT THE FEC
GCC#1622
86 SEP 26 P12:56

September 21, 1986

To: Federal Election Commission
From: James Ronald Steiger
205 North B St.
Easley, S.C. 29640 (Phone 803-859 1736)
Subject: Complaint against the National Republican Committee and Guy Vander Jagt, M.C., Chairman . My complaint questions legality and ethical propriety in each item cited.

86 SEP 26 P2:30
RECEIVED
GENERAL COUNSEL

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Congress of the United States
U.S. House of Representatives
Washington, D. C..

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James Ronald Steiger

Enclosure (1) Letter from Guy Vander Jagt
(2) MEMORANDUM

cc/Butler Derrick
H.C.on Standards of Official Conduct
file

Sworn to and before me this 22nd
day of September, 1986

Notary Public
My Commission Expires March 9, 1989

86040521012

National Republican
Congressional Committee

Guy Vander Jagt, M.C.
Chairman

Congress of the United States

U.S. House of Representatives
Washington, D.C. 20002-5073

Dear Friend:

Would you like to keep Ronald Reagan in office for a third term?

If you support President Reagan and want his leadership to continue, please sign and return the enclosed Official Constitutional Petition, right away.

This Petition calls for the immediate repeal of the 22nd Amendment which limits a President to only two terms.

If I receive your Petition and enough others, I will personally introduce the legislation necessary to repeal the 22nd Amendment on the floor of the U.S. House of Representatives.

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What's more, our economy is booming, inflation and interest rates have been slashed and more Americans are employed and actively pursuing the American dream than at any other time in history.

It can stay like this, if we keep Ronald Reagan in the White House.

Put simply, he is one of the greatest American Presidents of all time and we should try to hold on to him.

Already, there are a number of exceptionally well-qualified Republican presidential candidates who want to carry on President Reagan's programs and policies. But why shouldn't we hold on to the "original" as long as possible?

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If Ronald Reagan could have even one more term in office, I'm confident he will set this nation on a course of prosperity, opportunity and security which will carry us well into the 21st century.

©NRCC, 1986

(over, please)

8 6 0 4 0 5 2 1 0 1 3

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If a President isn't doing a good job, the American people will put him out to pasture just like they did with Jimmy Carter.

But Ronald Reagan and this nation should not have to suffer just because Congress doesn't think you and I have the wisdom to decide with our votes how long our Presidents should serve.

The 22nd Amendment is an absolute insult to you and me and every voter in this country. And it should be repealed.

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(continued on next page)

R 5 0 4 0 6 2 1 0 1 4

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If you send $20 it will make it possible for us to print and distribute nearly one hundred petitions. Your contribution will also play an indispensable role in electing Republicans who will help the President during the next two years and who will carry on his programs even if we fail to give him a third term.

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Sincerely,

Guy Vander Jagt

Congressman Guy Vander Jagt
Chairman

GVJ/jmg

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MEMORANDUM

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Chairman, RONALD REAGAN CONGRESSIONAL VICTORY FUND
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/ /$20 / /$40 / /$60 / /$80 / /$100 / /$_____ other

(Please do not tear or remove your Reply Memorandum from the Petition below. The information on the Memo will enable us to divide up and tabulate yours and the other Petitions not only by state but also by congressional district.)

Constitutional Petition

TO THE
MEMBERS OF THE
UNITED STATES CONGRESS

I hereby exercise my right as guaranteed by the Bill of Rights to petition the government for a redress of grievance.

Whereas, under President Reagan's leadership our nation is enjoying it's highest levels of prosperity and security in years;

Whereas, the American people are fully capable of deciding how long a president should serve; and

Whereas, I strongly believe the President should have the opportunity to seek a third term but is prevented from doing so by the 22nd Amendment;

Therefore, I urge Congress to pass immediately a 27th Amendment which would simply state: "The twenty second Amendment to the Constitution of the United States is hereby repealed."

Signature _____ *Date* _____

Paid for by the National Republican Congressional Committee. Corporate contributions are prohibited by law.

My telephone numbers are:

( ) _____ ( ) _____

Home Business

The Federal Election Commission requires that we report the following information:

_____

Occupation

_____ ☐ Please check if self-employed

Name of Employer

This check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account.

_____

Signature

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2254

Date Filmed 12/12/86 Camera No. --- 2

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