



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2566

DATE FILMED 6/2/89 CAMERA NO. 1

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BCCH4981



Republican National Committee

E. Mark Braden
Chief Counsel

Michael A. Hess
Randall Davis
Deputy Chief Counsels

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

87 DEC 21 AM 9:17

7MTR 2566

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
87 DEC 21 PM 3:13

December 17, 1987

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Dear Mr. Noble:

This letter is a complaint filed on behalf of the Republican National Committee (RNC) pursuant to 2 U.S.C. 437(a)(1). The RNC alleges, upon information and belief, that The Jamestown Foundation has violated the Federal Election Campaign Act of 1971, as amended.

The RNC alleges that the respondent has violated and continues to violate the provisions of 2 U.S.C. 438(a)(4), which provides that any information copied from reports filed with the Federal Election Commission may not be used by any person for the purpose of soliciting contributions.

In support of this allegation, the RNC submits with this complaint a copy of a letter which solicits contribution for the Jamestown Foundation. The solicitation was, upon information and belief, mailed by the Foundation on December 2, 1987.

The letter in question was addressed to one of the pseudonyms authorized to be included on the RNC's reports filed with the Commission, pursuant to 2 U.S.C.(a)(4). The name and address of that pseudonym has been deleted from the enclosed letter.

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Based on these allegations, it appears that the respondent has violated the provisions of 2 U.S.C. 438(a)(4). The RNC requests that appropriate review and action be undertaken.

Sincerely,



E. Mark Braden

Sworn to and subscribed before me this 18th
day of December, 1987.

Philip A. Guarino
Notary Public

My Commission expires: My Commission Expires June 14, 1991

Enclosures

93040751912

THE JAMESTOWN FOUNDATION

William W. Geimer
President

Barbara D. Abbott
Executive Vice President

Donald F.B. Jamieson
Vice President

Lt. Gen. James A. Williams (Ret.)
Vice President

Myron J. Mintz
Secretary

June 11, 1987

BOARD OF ADVISORS:

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Hon. Sam Nunn
Hon. Donald Rumsfeld
Arkady N. Shevchenko
Hon. Malcolm Wallop
Hon. Clayton Yeutter

BOARD OF DIRECTORS:

Gerald S. Gidwitz, Chairman
Wendy H. Borchardt
William W. Geimer
James G. Gidwitz
Canton I. Smullyan, Jr.
William E. Timmons
M. James Winney

Dear Friends:

Your numbers have increased in recent months, creating something of a data-entry nightmare for our small staff. Over the summer we're undertaking to update our computer records. Please help us out by completing the enclosed card and returning it to us at your earliest convenience.

If you know someone who would like to be on Jamestown's mailing list but is not, please indicate so on the same card.

Thanks very much.

Sincerely,

William W. Geimer

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THE JAMESTOWN FOUNDATION
Mailing List Update 6/87

Please keep me on your mailing list

Please remove me from your mailing list

Please send information about Jamestown to:

Name _____

Name _____

Company _____

Company _____

Address _____

Address _____

City _____ State ____ Zip _____

City _____ State ____ Zip _____

Telephone (____) _____

Telephone (____) _____

8 2 0 4 0 7 5 1 9 1 4



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 1987

E. Mark Braden
Chief Counsel
Republican National Committee
310 First Street, SE
Washington, D. C. 20003

RE: MUR 2566

Dear Mr. Braden:

This letter acknowledges receipt of your complaint, received on December 21, 1987, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "ACT"), by the Jamestown Foundation. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2566. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: *Lois G. Lerner* by SEP
Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

83040751915



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 24, 1987

The Jamestown Foundation
1712 New Hampshire Avenue, NW
Washington, DC 20009

RE: MUR 2566
The Jamestown Foundation

Gentlemen:

The Federal Election Commission received a complaint which alleges that The Jamestown Foundation 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 2566. 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 Jamestown Foundation in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 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 authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

Lois J. Lerner by SEP
By: Lois G. Lerner
Associate General Counsel

Enclosures

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

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

GCC# 5073

DICKSTEIN, SHAPIRO 88 JAN 6 NP 5:16

2101 L STREET, N.W.

WASHINGTON, D.C. 20037

202 785-9700

TELEX: 892608 DSM WSH

BY HAND DELIVERY

JUSTIN D. SIMON
DIRECT DIAL
202 828 2211

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2837
VIENNA, VIRGINIA 22180
703 847-8180

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1900

January 6, 1988

Charles Snyder, Esq.
Federal Election Commission
c/o Office of the General Counsel
Washington, D.C. 20463

RE: MUR2566
The Jamestown Foundation

Dear Mr. Snyder:

As I informed you in our telephone conversation today, I have been retained to represent The Jamestown Foundation. I am enclosing herewith a copy of the client letter designating me as their counsel, which is in the form of a letter directed to Associate General Counsel Lerner. Should you for any reason need to have the original of this designation letter, I will provide it to you.

This letter will confirm further our discussion of this date in which you agreed to grant a ten (10) day extension of time within which to respond to the Commission's December 24, 1987 letter. Accordingly, the Foundation's response will be submitted on or before January 22, 1988. Although I had hoped to schedule a meeting with you prior to our responding to your letter, you have stated that you do not see the point of having such a meeting prior to receiving our response. While it has been my consistent experience that such meetings can be useful in focusing our responses on the areas of particular interest to the Commission staff, I accept your position and hope that you are correct that little would be served by our meeting before our response is submitted.

Thank you for the courtesy of the extension.

Sincerely,

Justin D. Simon
Justin D. Simon

enclosure

JDS/dlh

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January 6, 1988

Lois G. Lerner
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2566

Dear Ms. Lerner:

I hereby designate Mr. Justin Simon of the law firm of Dickstein Shapiro & Moren as counsel for the Jamestown Foundation in the matter referenced above. Mr. Simon is authorized to receive notifications and other communications from the Commission and to act on our behalf before the Commission.

Sincerely,


William W. Geimer

WWG/adb

99040751919



**Republican
National
Committee**

E. Mark Braden
Chief Counsel

Michael A. Hess
Randall Davis
Deputy Chief Counsels

GCC #5102
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

88 JAN 11 AM 9:31

January 6, 1988

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2566

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JAN 11 PM 3:47

Dear Mr. Noble:

The Republican National Committee (RNC) recently complained of a solicitation by The Jamestown Foundation which was addressed to a pseudonym on a RNC report filed with the FEC. That matter is currently under review as MUR 2566. Shortly after that complaint was filed, we received a second solicitation from The Jamestown Foundation, identical in all respects to that in MUR 2566, but addressed to a second pseudonym on the RNC reports.

This additional solicitation lends support to our contention that The Jamestown Foundation is in violation of the provisions of 2 U.S.C. 438(a)(4). I would request that this letter be considered as a supplement to our previous complaint in this matter. Thank you for your assistance.

Very truly yours,

E. Mark Braden

99040751920

plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 11, 1988

Justin D. Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
The Jamestown Foundation

Dear Mr. Simon:

This is in response to your letter dated January 6, 1988, which we received on January 6, 1988, requesting an extension of 10 days until January 22, 1988 to respond to the notification of the complaint. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on January 22, 1988.

If you have any questions, please contact Charles Snyder, the attorney assigned to this matter at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

89040751921

GCC# 5049
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DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

88 FEB 11 AM 1:05

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-9190

JUSTIN D. SIMON
DIRECT DIAL
202 828-2211

BY HAND

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 632-1900

January 11, 1988

Charles Snyder, Esq.
Federal Election Commission
c/o Office of the General Counsel
Washington, D.C. 20463

RE: MUR2566
The Jamestown Foundation

Dear Mr. Snyder:

Pursuant to our conversation of January 7, 1988, this letter will clarify the intent of my letter to you dated January 6, 1988. Specifically, it was my intention to request an extension of time through January 22, 1988 and to confirm that you had no objection to that request.

Sincerely,

Justin D. Simon
Justin D. Simon

JDS/dlh

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 JAN 11 PM 3:44

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CC # 5273

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-9190

JUSTIN D. SIMON
DIRECT DIAL
202 828-2211

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1900

January 22, 1988

BY HAND DELIVERY

Lawrence M. Noble, General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2566
The Jamestown Foundation

Dear Mr. Noble:

As counsel to the Jamestown Foundation ("Jamestown," "the Foundation"), I am writing to you in response to the Commission's letter dated December 24, 1987 requesting a reply by Jamestown to certain allegations made by the Republican National Committee ("RNC"). It is the purpose of this submission to demonstrate to the Commission that the RNC's allegations warrant no action by the Commission.

1. The Jamestown Foundation

The Jamestown Foundation is a small, nonprofit, tax-exempt corporation founded in 1984. It is widely recognized as the leading private organization in the United States committed to providing aid and support to high-level defectors from Eastern Europe and elsewhere. When government officials and academics from Eastern European and other countries defect to the United States, they bring with them a wealth of information and experience of vital importance to the United States in reaching an accurate understanding of other countries' governments and cultures. All too often, however, the Federal government has failed or been unable to provide sufficient help to such defectors in adjusting to their new life in the United States. As a consequence, the United States has failed to take full advantage of the talents and knowledge of such defectors. The Jamestown Foundation was established to fill that gap.

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OFFICE OF GENERAL COUNSEL
88 JAN 22 PM 3:15

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The Foundation focuses on those defectors whose knowledge and analytical ability will enable them to help Americans in government and the private sector understand the countries from which those defectors came. First, the Foundation helps defectors by providing basic support services -- everything from help with finding jobs and homes to obtaining driver's licenses and insurance. In short, Jamestown provides a place to which defectors can turn for help in adjusting to life in America. Second, the Foundation then seeks to assist defectors in using their skills to help Americans understand other countries. The Foundation arranges meetings between defectors and members of Congress and the executive branch; provides a base from which defectors can make contacts and obtain employment; and provides help with researching, writing, translating and obtaining publication of books, articles, and lectures.

As the result of its work, the Foundation is widely known for its unique expertise in helping defectors adjust to resettlement in the United States; the Foundation's advice has been sought by the White House and Congress, and Foundation officials have testified before Congress. As Senator Daniel P. Moynihan (D-N.Y.) has observed, "[t]he Jamestown Foundation deserves the support of all Americans." Among the high-profile defectors who have been helped by the Foundation and who have lauded the Foundation's work are Arkady Shevchenko, a member of the Foundation's Board of Advisors, former Undersecretary General of the United Nations and the highest ranking Soviet defector; Alexandra Costa, author of Stepping Down From The Star; Vladimir Sakharov, a well-known former Soviet diplomat; and Zdzislaw Rurarz, the former Polish Ambassador to Japan.

The Jamestown Foundation accepts no government funds; rather, it is funded by donations from a wide variety of private sources, including both individual and corporate givers. It is not a political organization and engages in no political, campaign, or electoral activity within the jurisdiction of the Federal Election Commission. Its objectives and activities are completely non-partisan and non-commercial. Jamestown's activities have won it the active support and participation of an impressive number of distinguished Americans. Serving on either the Foundation's Board of Advisors or Board of Directors are Sen. Sam Nunn (D-Ga.) and Rep. Les Aspin (D-Wis.), the respective chairmen of the Senate and House Armed Services Committees; Lt. Gen. Brent Scowcroft, former National Security Advisor to President Ford and chairman of the "Scowcroft Commission" on the MX missile; Zbigniew Brzezinski and Richard V. Allen, National Security Advisors to Presidents Carter and Reagan respectively; Donald Rumsfeld, former Secretary of Defense, White House Chief of

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Staff, and Ambassador to NATO; Clayton Yuetter, the United States Special Trade Representative; Sen. Malcolm Wallop (R-Wy.); Rep. Richard Cheney (R-Wy.), chairman of the House Republican Conference and former White House Chief of Staff; and Rep. Tom Lantos (D-Calif.). These and others who support the Foundation reflect bipartisan agreement concerning what President Reagan has called the Foundation's "indispensable contribution."

2. The RNC's Complaint Fails To State A Violation Of The Federal Election Campaign Act.

According to the Commission's letter of December 24 and the RNC's complaint, Jamestown has been accused of violating 2 U.S.C. § 438(a)(4), which forbids the use of information from FEC reports "for the purpose of soliciting contributions or for commercial purposes," by allegedly sending an informational mailing to a pseudonymous contributor whose name was included in an RNC report filed with the FEC. Jamestown has no way of knowing whether this allegation is true. However, Jamestown believes that, in any event, the RNC has stated no basis for its claim that Jamestown has violated the FECA. Moreover, since being notified of the RNC complaint, Jamestown has entered into discussions with the RNC and, as a result of those discussions, Jamestown is reasonably confident that:

(1) The RNC will notify the Commission soon that it intends to withdraw its complaint and does not believe further action against Jamestown is appropriate.

(2) As a result of its discussions with the RNC, Jamestown has already instituted measures that will assure that no future misunderstandings occur of the type that precipitated the instant complaint.

Furthermore, even assuming arguendo that the Jamestown mailing was sent to a pseudonymous contributor, Jamestown denies that the alleged mailing would constitute a violation of 2 U.S.C. § 438(a)(4). It is critical to recognize that the Act forbids only use of FEC reports "for the purpose of soliciting contributions or for commercial purposes." Jamestown's letter cannot be construed as being "for commercial purposes." The Foundation is a tax-exempt, nonprofit educational foundation that does not serve commercial or pecuniary goals; rather, as noted earlier, the goal of the Foundation is to aid in the adjustment of high-level defectors to life in the United States and to facilitate their writing and lecturing -- thereby increasing Western understanding of the Soviet Union and Eastern Europe. As a 26 U.S.C. § 501(c)(3) entity, the Foundation does not and cannot pursue commercial goals or engage in any activity within the scope of the FECA. Thus,

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Jamestown submits that its mailing of informational letters cannot be deemed to be "for commercial purposes."

Nor can Jamestown's mailing be construed, in 2 U.S.C. § 438(a)'s words, as being "for the purpose of soliciting contributions." A review of the text of the letter involved actually reveals that its primary purpose was not to request donations but rather to reduce Jamestown's mailing list. The letter which forms the basis of the RNC's complaint was actually a follow-up to a previous communication of June 11, 1987 (see attachment). The Foundation's June 11 letter noted that the Foundation was "undertaking to update our computer records," and requested that the recipient return a card indicating whether the recipient wished to be retained on or dropped from the Foundation's mailing list. The November 23, 1987 letter continued the earlier letter's goal of reducing the Foundation's mailing list. Thus, the November letter pointed out that it had "accumulated more 'potential supporters' than is seemly;" that it wished to restrict the number of people to whom it sent information; and that "[w]e should not be sending expensive mailings to the merely curious." See attachment to RNC complaint. Consequently, the Foundation affirmatively requested that uninterested recipients not respond in order to be dropped from the list. Thus, the mailing served a purely administrative purpose and actually worked to assure that all recipients who did not wish to receive mailings would not be sent any communications. This mailing, which required recipients to take an affirmative step in order to receive future mailings, violates no policy sought to be protected by the Act.

Moreover, even if Jamestown's mailing were to be construed as a "solicitation" of donations, the mailing would still not constitute "soliciting contributions" under the FECA. The Act defines "contribution" as a term of art that reaches only gifts or payments made to a political committee or made with the purpose of influencing a federal election. Thus, a "contribution" would encompass:

(i) any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office; or

(ii) the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose.

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2 U.S.C. § 431(8)(A) (emphasis added). Since any donations made to Jamestown would not and could not be for the purpose of influencing an election, and since Jamestown is not a political committee or otherwise subject to the FECA (and does not render any services to political committees or candidates for office), such donations cannot be construed as "contributions" under the Act. Thus, any request for such donations could not be viewed as impermissible "soliciting [of] contributions" under § 438(a)(4). See Orloski v. FEC, 795 F.2d 156, 162 (D.C. Cir. 1986) (under Act, "donation" by corporation to picnic sponsored by incumbent candidate was a "contribution" only if "someone at the funded event expressly advocates the reelection of the incumbent or the defeat of an opponent or solicits or accepts money to support the incumbent's reelection").

In addition, the Act expressly exempts such donations from its definition of "contribution." The FECA provides that:

The term 'contribution' does not include--

* * * * *
(vi) any payment made or obligation incurred by a corporation or a labor organization which, under section 441b(b) of this title, would not constitute an expenditure by such corporation or labor organization

2 U.S.C. § 431(8)(B)(vi). Corporations have made donations to Jamestown, and it has never been suggested that such donations are forbidden under § 441b(b) (which forbids most direct contributions by corporations to candidates or political committees). Thus, any donations made to Jamestown would not constitute "expenditures" under § 441b(b). Consequently, any such donations are expressly exempted by § 431(8)(B)(vi) from the Act's controlling definition of "contribution."

Jamestown submits, for the reasons set forth above, that the RNC complaint should be dismissed and that there is no basis for a finding that there is reason to believe that Jamestown has violated the Act. Moreover, in view of the anticipated withdrawal of the RNC's complaint and the salutary purposes served by the Foundation, we submit that there is no merit in expending the limited resources of the Commission staff (in an election year) in

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Lawrence M. Noble, Esq.
January 22, 1988
Page 6

further pursuing this matter against a small private educational foundation.

Respectfully submitted,

DICKSTEIN, SHAPIRO & MORIN

By:

Justin D. Simon
Justin D. Simon
2101 L Street, N.W.
Washington, D.C. 20037
(202) 828-2211

89040751928



**Republican
National
Committee**

E. Mark Braden
Chief Counsel

Michael A. Hess
Randall Davis
Deputy Chief Counsels

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88 MAR -1 AM 10:59

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
88 MAR -1 PM 12:25

February 25, 1988

Lawrence M. Noble, Esquire
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2566

Dear Mr. Noble:

On December 17, 1988, the Republican National Committee filed a complaint against The Jamestown Foundation for violations of the provisions of 2 U.S.C. 438(a)(4). Since that time, The Jamestown Foundation has attempted to resolve to our satisfaction the issues that were the basis of our complaint.

The Republican National Committee is satisfied that the violations complained of were not intentional. We are further satisfied that adequate measures have been taken to prevent their reoccurrence. For these reasons, we believe no purpose will be served by the continued investigation and prosecution of the complaint in this matter. We withdraw our complaint in this matter, and respectfully request that it be treated as such.

Very truly yours,

E. Mark Braden

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EXECUTIVE SESSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 APR 15 PM 12:02

APR 28 1988

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

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR #2566
DATE COMPLAINT
RECEIVED BY OGC: 12/21/87
DATE OF NOTIFICATION TO
RESPONDENT: 12/24/87
STAFF MEMBER: Snyder

COMPLAINANT: Republican National Committee
RESPONDENT: Jamestown Foundation
RELEVANT STATUTES: 2 U.S.C. § 438(a)(4); 11 C.F.R. § 104.15
RELEVANT REPORTS
CHECKED: RNC Reports
FEDERAL AGENCIES
CHECKED: None

I. GENERATION OF MATTER

This matter was generated by a complaint filed by the Republican National Committee ("RNC") alleging that the Jamestown Foundation ("Jamestown") had solicited contributions from fictitious persons, whose pseudonyms appeared on reports filed by the RNC with the Commission. The complainant did not specify the pseudonym that was solicited. (Counsel for the complainant has advised this Office that he would supplement the complaint by specifying the pseudonyms, but he has not yet done so.)

II. FACTUAL AND LEGAL ANALYSIS

Under the Federal Election Campaign Act ("the Act") reports filed with the Federal Election Commission ("the Commission") are made available for public inspection and copying,

except that any information copied from such reports or statements may not be sold or used by any person for the

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purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee. A political committee may submit 10 pseudonyms on each report filed in order to protect against the illegal use of names and addresses of contributors, provided such committee attaches a list of such pseudonyms to the appropriate report. The Clerk, Secretary, or the Commission shall exclude these lists from the public record.

2 U.S.C. § 438(a)(4). In the present case, complainant alleges that Jamestown solicited a contribution from a fictitious person whose pseudonym appeared on a report it filed with the Commission.^{*/} On that basis, it is alleged that Jamestown violated 2 U.S.C. § 438(a)(4).

In response to the complaint, Jamestown raised a factual issue by arguing that it did not actually solicit contributions, but only sought to reduce its mailing list by deleting therefrom those persons who did not express an interest in supporting the work of Jamestown. (The organization's purpose is to assist Soviet defectors living in the United States.) Respondent also raised legal issues, contending that, as a non-

^{*/} According to the Reports Analysis Division, RNC did not file a list of its pseudonyms. In view of the fact that a sworn complaint has been submitted stating that the named addressee of respondent's letter was a pseudonym provides a basis for a finding that disclosure information may have been used to solicit contributions in violation of the Act. This analysis was the basis for the Commission's finding of reason to believe in MUR 2140.

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profit foundation, it does not have "a commercial purpose." Also, Jamestown maintains that, in view of its charitable purposes, the contributions it solicits are not "contributions" as defined by the Act, since they are not made "for the purpose of influencing any election for Federal office." See 2 U.S.C. § 431(8)(A).

Turning first to the defense that Jamestown did not actually solicit funds, its letter, signed by William W. Geimer, President of the organization, that was attached to the complaint, included the following statement:

If you believe that Jamestown plays an important role in the international war of ideas, and if you believe that we fill a void which the government can't, then please let us hear from you. Tell us that you believe in our program by making a tax-exempt contribution. And please do it now.

The same letter also included a contribution card, which provided spaces for amounts to be contributed (from \$5,000 to \$100) and stated: "The Jamestown Foundation/I would like to support you in your important work assisting high level defectors from the Soviet Bloc to be heard in the United States. Enclosed is my tax exempt contribution in the amount of" In view of the foregoing evidence, this Office concludes that the Jamestown Foundation, whatever additional purposes its mailing may have had, did in fact solicit contributions.

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Respondent's legal argument that a solicitation for a charitable contribution does not constitute a solicitation for a contribution as the term is used in the Act, finds no support in the Commission's regulations:

(a) Any information copied, or otherwise obtained, from any report or statement, or any copy, reproduction, or publication thereof, filed with the Commission ..., shall not be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose

(b) For purposes of 11 C.F.R. § 104.15, "soliciting contributions" includes soliciting any type of contribution or donation, such as political or charitable contributions.

11 C.F.R. § 104.15 (emphasis added).

Respondent does not deny that it obtained the information in question, and that it used said information for the purpose of soliciting contributions. The regulations specifically prohibit the use of information obtained from F.E.C. reports for soliciting charitable donations. There appears to be a sufficient basis for finding a violation without addressing respondent's argument concerning "commercial purposes." Accordingly, this Office recommends that the Commission find reason to believe the Jamestown Foundation violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

It appears likely, however, that respondent did not itself copy information from reports filed with the Commission to compile the mailing lists it used; copying such information to

89040751933

compile mailing lists, which are then sold or rented for use in solicitation, also constitutes a violation of 2 U.S.C.

§ 438(a)(4). Unfortunately, respondent does not identify the sources from which it obtained the subject mailing list.

Accordingly, this Office recommends that the Commission issue interrogatories to respondent in order to discover the identity of the owner and compiler of the list in question.

Finally, this Office received a letter from complainant (Attachment 2), dated February 25, 1988, purporting to withdraw the complaint in this matter. Under 2 U.S.C. §§ 437c(b)(1) and 437d(e), the Commission is vested with exclusive jurisdiction over civil enforcement of the Act. Moreover, the enforcement provisions of the Act make it clear that if a proper complaint is received, the Commission may proceed to determine whether there is reason to believe a violation has occurred. 2 U.S.C. § 437g(a)(1) and (2).

The Office of the General Counsel recommends that the Commission send the attached letter to the complainant. The letter states that the Commission is empowered to take any action which it deems appropriate on complaints properly filed with it, and that any request for withdrawal will not prevent the Commission from taking further action in this matter. The same letter reminds complainant of the statutory requirement for filing a list of pseudonyms used in reports.

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III. RECOMMENDATIONS

1. Find reason to believe that the Jamestown Foundation violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the attached letters.
3. Approve the attached questions.

Lawrence M. Noble
General Counsel

Date

4/14/88

By:


Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Complaint
2. Letter from E. Mark Braden
3. Proposed letters
4. Questions

Staff Person: Charles Snyder

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jamestown Foundation) MUR 2566

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 28, 1988, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2566:

1. Find reason to believe that the Jamestown Foundation violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.
2. Approve the letters attached to the General Counsel's report dated April 14, 1988.
3. Approve the questions attached to the General Counsel's report dated April 14, 1988.

Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

4-28-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

89040751936

plm



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1988

E. Mark Braden, Esquire
Chief Counsel
Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

Re: MUR 2566

Dear Mr. Braden:

This is in reference to your letter dated February 25, 1988, requesting that the complaint you filed against The Jamestown Foundation be withdrawn.

Under 2 U.S.C. § 437g, the Federal Election Commission is empowered to review a complaint properly filed with it and to take action which it deems appropriate under the Federal Election Campaign Act of 1971, as amended (the "Act"). A request for withdrawal of a complaint will not prevent the Commission from taking appropriate action under the Act. Your request will become part of the public record within 30 days after the entire file is closed.

If you have any further questions about this procedure, please contact Charles Snyder at (202) 376-8200.

Also, your complaint dated February 25, 1988, concerning the above-captioned matter stated that your client's report contained pseudonyms for the purpose of detecting illegal use of contributors and information. However, the FEC's Reports Analysis Division has not received a list of pseudonyms from your client.

This Office requests a list of all pseudonyms appearing on the RNC reports. Please send the list to Charles Snyder the attorney assigned to this matter at the following address:

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

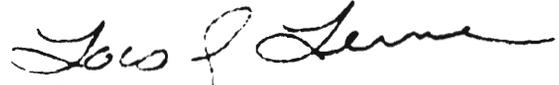
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Letter to E. Mark Braden, Esquire
Page 2

Please be advised that 2 U.S.C. § 438(a)(4) requires a political committee that submits pseudonyms on a report to attach a list of those pseudonyms to that report.

Sincerely,

Lawrence M. Noble
General Counsel



BY: Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
)
)

MUR 2566

INTERROGATORIES

**TO: William W. Geimer
President - Jamestown Foundation
1712 New Hampshire Avenue, N.W.
Washington, D.C. 20009**

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within 15 days of your receipt of this request.

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INSTRUCTIONS

In answering these interrogatories, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

89040751940

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any documents and materials which may otherwise be construed to be out of their scope.

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Questions to:

The Jamestown Foundation
William W. Geimer, President

1. Describe in detail the method whereby you obtained the names and addresses you contacted in a mailing dated November 23, (hereinafter "the mailing"), a copy of which is attached as Exhibit A.
2. Identify the list consultant or list consultants whose services you used in connection with preparing the mailing.
3. Identify the list broker or brokers whose services you used in connection with the mailing.
4. (a) Identify the mail order house from which mailing lists were obtained in connection with preparing the mailing.
(b) Identify the party from whom you or your agents rented mailing lists that were used in connection with the mailing.
(c) Identify the computer firm that performed merging, purging, or other services with respect to the lists you obtained in connection with the mailing.
(d) Identify the data company that prepared, addressed, and mailed the letters that were disseminated in connection with the mailing.
5. Identify all other persons, apart from those referred to above, who assisted in obtaining, preparing, or marketing the mailing lists used in the mailing.
6. State whether you paid for the mailing lists used for the mailing, directly or indirectly. If so, state how much you paid for said mailing lists, what interest you obtained in such mailing lists, and on what terms.
7. State whether you inquired as to the source of names used for solicitation. State what, if any, representations were made to you as to the source of the names and addresses of persons you solicited in connection with the mailing. Identify the person or persons who made each such representation.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 5, 1988

Justin D. Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
Jamestown Foundation

Dear Mr. Simon:

On December 24, 1987, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by your client, the Commission, on April 28, 1988, found that there is reason to believe the Jamestown Foundation violated 2 U.S.C. § 438(a)(4), a provision of the Act, and 11 C.F.R. § 104.15 of the Commission's regulations. Specifically, it appears that your client used information copied from reports filed with the Commission to solicit contributions.

Under the Act you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission

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Letter to Justin D. Simon, Esquire
Page 2

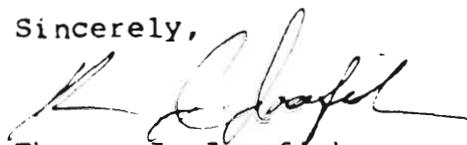
either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 have any questions, please contact Charles Snyder, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,



Thomas J. Josefiak
Chairman

Enclosures
Questions
Exhibit

33040751344

GC# 9341

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF THE CHIEF CLERK

DICKSTEIN, SHAPIRO & MORISON
88 MAY 23 PM 4:54

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-9180

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1800

JUSTIN D. SIMON
DIRECT DIAL
202 628-2211

May 23, 1988

BY HAND DELIVERY

Charles Snyder, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

CONFIDENTIAL TREATMENT
REQUESTED

RE: MUR 2566
The Jamestown Foundation

Dear Mr. Snyder:

This letter will acknowledge receipt of Chairman Josefiak's letter of May 5, 1988. This letter was received by me on May 9, 1988.

As a result of prior scheduling conflicts (including the fact that my client was out of town during most of the intervening period), it was not possible for my client and I to meet to discuss the Chairman's letter until today and to make a determination as to the nature of an appropriate response. Until we had had such a discussion, the precise contours of any such a response could not be determined. Having met with my client, we have determined that it is now appropriate to request an opportunity to meet with you and Ms. Lerner to discuss the possibility of conciliation in this matter without prejudice. I would hope that a meeting could be scheduled by Wednesday of this week to pursue conciliation. It is our intention to provide information to you in connection with that meeting which should facilitate such a conciliation. Depending on the outcome of that meeting, it may not be necessary for our client to expend its limited resources providing more formal responses to the Chairman's May 5 letter.

Accordingly, I am requesting a very modest extension of five working days in which to respond formally. This is our first request for an extension and I do not anticipate any further such

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Charles Snyder, Esquire
May 23, 1988
Page 2

requests. In reviewing your position, I believe it is appropriate for you to consider that the Complainant, The Republican National Committee, had previously notified the Commission (on February 25, 1988) that it was withdrawing its Complaint in this matter and believed that no further purpose would be served by proceedings in this matter.

Sincerely,


Justin D. Simon

JDS/df

cc: Lois Lerner, Esquire

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 27, 1988

Justin Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
The Jamestown Foundation

Dear Mr. Simon:

This is to confirm your telephone conversations of May 23, 1988 with Lois G. Lerner and Charles Snyder of this Office. Your response to the Commission's notification of reason to believe is due May 31, 1988.

If you have any questions, please contact Charles Snyder, the attorney assigned to this Matter, at 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois G. Lerner
Associate General Counsel

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KL / gln

GCC#9433

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N. W.

WASHINGTON, D. C. 20037

202 785-9700

TELEX: 892608 DSM WSH

WRITER'S DIRECT DIAL NUMBER

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-9190

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N. Y. 10022
212 832-1900

June 2, 1988

RECEIVED
FEDERAL ELECTION COMMISSION
88 JUN -2 PM 4:47

BY HAND DELIVERY

Charles Snyder, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

CONFIDENTIAL TREATMENT
REQUESTED

RE: MUR 2566 - The Jamestown Foundation

Dear Mr. Snyder:

Enclosed please find the Jamestown Foundation's responses to the FEC's interrogatories.

We will also be sending you, under separate cover, a request for pre-probable cause conciliation.

Please call me or Justin Simon if you have any comments or questions.

Sincerely,



Gregory Baruch

Enclosure

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of :
: MUR 2566
The Jamestown Foundation :

RECEIVED
FEDERAL ELECTION COMMISSION
88 JUN -2 PM 4:47

RESPONSES TO INTERROGATORIES

DISTRICT OF COLUMBIA : ss:

1. In the summer of 1986, the Jamestown Foundation had working at its offices approximately one dozen college student volunteers. Several of these uncompensated interns, perhaps as many as four, went to the Federal Election Commission's Public Information Office in Washington, D.C., and copied lists of the names and addresses of certain Republican National Committee contributors. The Jamestown Foundation ("Jamestown") is unable to state with certainty which of its volunteers engaged in this activity.

At the time these students engaged in this activity, neither they nor anyone at the Jamestown Foundation were aware of any provision of the FECA which applied to their use of such names and addresses.

Thereafter, the names and addresses of certain selected contributors were added to Jamestown's pre-existing mailing list.

2. Not applicable. No list consultant was used in connection with the mailing.

3. Not applicable. No list broker was used in connection with the mailing.

4.(a) Not applicable. No mailing lists used in connection with the mailing were obtained from a mail order house.

(b) Not applicable. No mailing lists were rented in connection with the mailing.

(c) Not applicable. No computer firm performed services with respect to the lists relating to the mailing.

(d) Not applicable. No outside data company was used.

5. The Jamestown Foundation merely added selected names to its pre-existing mailing list. Jamestown has never marketed or otherwise commercially utilized its mailing list, nor has it provided its mailing list to third parties.

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6. Not applicable. Jamestown did not pay either directly or indirectly for the mailing lists used in the mailing, except that Jamestown paid for the costs incurred by its interns in copying lists.

7. Not applicable.

William W. Geimer

William W. Geimer
President
The Jamestown Foundation

District of Columbia

Subscribed and sworn to before me
this 15th day of June, 1988.

Edward C. Henderson

Notary Public

My Commission Expires: 6/30/91

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RECEIVED
FEDERAL ELECTION COMMISSION

DICKSTEIN, SHAPIRO & MORIS JUN -7 AM 9:43

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-8180

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 637-1000

JUSTIN D. SIMON
DIRECT DIAL
202 628-2211

June 6, 1988

By Hand Delivery

Charles Snyder, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

CONFIDENTIAL TREATMENT
REQUESTED

Re: MUR 2566 - The Jamestown Foundation

Dear Mr. Snyder:

The Jamestown Foundation ("Jamestown") hereby requests that conciliation negotiations begin in the above-referenced matter, pursuant to 11 C.F.R. § 111.18(d), prior to the Commission's consideration of a finding of probable cause. We believe that no practical purpose would be served by delaying such negotiations, especially in light of the following factors:

First, the original Complainant in this matter, the Republican National Committee, has requested that its complaint be withdrawn and has stated its view that no purpose would be served by further proceedings.

Second, Jamestown has substantial defenses. By its express terms, the Federal Election Campaign Act's "sale or use" prohibition applies only to solicitation of "contributions" (which the statute defines to cover only campaign-related contributions) and "commercial purposes." 2 U.S.C. § 438(a)(4). Therefore, as a non-commercial, non-political organization, Jamestown's activities do not come within the statute's ambit. Regulations implying otherwise are not authorized by the statute.

Finally, as the Republican National Committee acknowledged in its letter requesting withdrawal of its complaint, the Jamestown Foundation is a small, non-profit entity that serves an indispensable purpose in the public interest. Jamestown assists high-level defectors from Eastern Europe and elsewhere in their attempts to adjust to life in the United States, and enables them to use their skills and knowledge to help Americans, in both government and the private sector, understand the countries from

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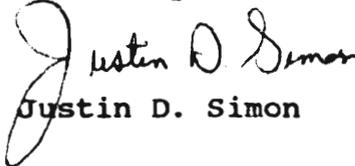
Charles Snyder, Esquire
June 6, 1988
Page 2

which those defectors came. Our Government has a strong interest in the continued vitality and reputation of the Foundation. Jamestown's efforts have won it widespread recognition and the active support of a wide spectrum of distinguished Americans.

However, Jamestown's resources are limited, and any resources expended on administrative litigation will not be available for the important work that Jamestown is engaged in. Jamestown therefore believes that it is important that the conciliation process not be further delayed.

Please inform me of the Office of the General Counsel's conclusions regarding this request.

Sincerely,


Justin D. Simon

/rds

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GC# 348

DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

JUSTIN D. SIMON
DIRECT DIAL
202 628-2211

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2837
VIENNA, VIRGINIA 22180
703 647-8190

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 632-1900

September 12, 1988

By Hand Delivery

Janice Lacy, Esq.
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

CONFIDENTIAL TREATMENT
REQUESTED

Re: MUR 2566 - The Jamestown Foundation

Dear Ms. Lacy:

This letter responds to your request for additional information that the General Counsel's office believes will aid it in determining whether to recommend pre-probable cause conciliation. As best as we can currently determine, the Jamestown Foundation mailing dated November 23, 1987, that is alleged to have been sent to a pseudonymous name contained on a Republican National Committee ("RNC") list, was sent to approximately 665 individuals. The Foundation estimates that the cost of the mailing was \$425.60, including postage and printing costs. More specifically, the cost of the mailing was as follows:

665 pieces at \$.22 postage	\$ 146.30
#10 envelopes	106.40
Letterhead stationery	73.15
Second-page stationery	33.25
Reply cards and envelopes	<u>66.50</u>

TOTAL COST: \$ 425.60

Although we do not believe it is relevant for present purposes, you have also requested that we provide you with the amount of money that was raised by this mailing. As best as we can currently determine, we believe that only thirteen persons responded to the mailing, contributing a total of \$5,300.

We hope that the above information is useful and sufficient for your purposes. We apologize for the delay in responding to your informal request, and we are hopeful that your interest in receiving this information indicates that we have finally

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FEDERAL ELECTION COMMISSION RECEIVED

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Janice Lacy, Esq.
September 12, 1988
Page 2

reached the stage where we can discuss a resolution of this matter. We therefore look forward to your response to our letter of June 6, 1988 requesting pre-probable cause conciliation.

Sincerely,

Justin D. Simon
Justin D. Simon

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BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
FEDERAL ELECTION COMMISSION

88 SEP -2 AM 9:40

In the Matter of)
) MUR 2566
Jamestown Foundation)

GENERAL COUNSEL'S REPORT

SENSITIVE
EXECUTIVE SESSION
SEP 13 1988

I. BACKGROUND

On April 28, 1988, the Commission found reason to believe that the Jamestown Foundation ("Jamestown") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. The basis for this finding was a complaint filed by the Republican National Committee ("RNC") alleging that pseudonymous names that appeared on reports it had filed with the Commission had been solicited for contributions by Jamestown. At the direction of the Commission, this Office propounded interrogatories to Jamestown in order to discover the sources from which Jamestown obtained the use of the mailing lists that allegedly contained a name copied from reports the RNC had filed with the Commission.

On May 25, 1988, the Office of General Counsel met with counsel for Jamestown. At this meeting, counsel stated that volunteer interns for Jamestown had copied the names in question from Commission reports, and that Jamestown then used certain of these names to augment its pre-existing mailing list. Counsel, however, was not prepared at the meeting to provide the Commission with information concerning the number and costs of solicitations.

The importance of this information was explained to counsel; however, in his written response to the Commission, this information was not provided. On June 2, 1988, counsel for

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Jamestown responded to the interrogatories sent by the Commission (see Attachment I(1)). Counsel again stated that several summer interns from Jamestown copied lists of names and addresses of certain RNC contributors from Commission reports, and that Jamestown later added some of these names to its pre-existing mailing list. Furthermore, counsel provided that Jamestown itself compiled the list including these names, and that it used no other parties (i.e., list brokers, list consultants, computer firms, etc.) in connection with the mailing in question.

On June 6, 1988, the Commission received a request from Jamestown to begin pre-probable cause conciliation negotiations (see Attachment I(4)). Jamestown cited as a basis of its request that the original complainant, the RNC, had withdrawn its complaint, and that as a non-commercial, non-political organization, Jamestown's activities do not fall within the scope of the Federal Election Campaign Act. Finally, Jamestown argued that the public interest is not served by any further action by the Commission. This Office then contacted counsel for Jamestown to again request information concerning the number and costs of solicitations. Counsel indicated that he would prepare this information and sent it to this Office in the immediate future.

II. ANALYSIS

Because Respondent has not yet provided any information concerning the number and costs of solicitations, this Office recommends that the Commission deny the request by Jamestown for

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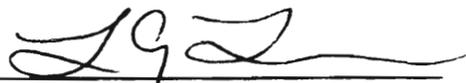
pre-probable cause conciliation at this time. Upon receipt of the requested information from counsel, we will submit another report.

III. RECOMMENDATIONS

1. Decline at this time to enter into conciliation with the Jamestown Foundation prior to a finding of probable cause to believe.
2. Approve the attached letter.

Lawrence M. Noble
General Counsel

8/31/88
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments

1. Response to Interrogatories and Request for Conciliation
2. Letter

Staff Person: Janice Lacy

87740751957

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jamestown Foundation) MUR 2566

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of September 13, 1988, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2566:

1. Decline at this time to enter into conciliation with the Jamestown Foundation prior to a finding of probable cause to believe.
2. Approve the letter attached to the General Counsel's report dated August 31, 1988.

Commissioners Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Aikens dissented.

Attest:

9-13-88

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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tdm



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 19, 1988

Justin D. Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
Jamestown Foundation

Dear Mr. Simon:

On May 5, 1988, you were notified that the Federal Election Commission found reason to believe that your client, the Jamestown Foundation ("Jamestown"), violated 2 U.S.C. § 438(a)(4), a provision of the Act, and 11 C.F.R. § 104.15 of Commission Regulations. On June 6, 1988, you submitted a request to enter into conciliation negotiations prior to a finding of probable cause to believe.

The Commission has reviewed your request and determined to decline at this time to enter into conciliation prior to a finding of probable cause to believe because additional information is necessary. At such time when the investigation in this matter has been completed, the Commission will reconsider your request to enter into conciliation prior to a finding of probable cause to believe.

If you have any questions please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of)
The Jamestown Foundation)

MUR 2566

EXECUTIVE SESSION
SENSITIVE

NOV 15 1988

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On April 28, 1988, the Commission found reason to believe that the Jamestown Foundation ("Jamestown") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15 by using information on disclosure reports filed with the Commission for the purpose of soliciting contributions. On June 2, 1988, Jamestown responded to Commission interrogatories.

Jamestown requested pre-probable cause conciliation on June 6, 1988. This Office requested that Jamestown provide the Commission with further information concerning the number and cost of solicitations. Counsel for Jamestown did not provide the Commission with this information, and on September 13, 1988, the Commission declined to enter into conciliation prior to a finding of probable cause to believe.

After another request for information from this Office, counsel submitted the requested information to the Commission in a letter dated September 12, 1988. Counsel provided that the Jamestown mailing in question, dated November 23, 1987, was sent to approximately 665 individuals. Furthermore, Jamestown estimated that the cost of the mailing was \$425.60, including postage and handling. Additionally, counsel provides that thirteen persons responded to the mailing, contributing a total of \$5,300. (See Attachment I).

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II. ANALYSIS

Pursuant to 2 U.S.C. § 438(a)(4), "any information copied from [disclosure] reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes. . . ." Furthermore, "soliciting contributions" includes "soliciting any type of contribution or donation, such as political or charitable contributions." 11 C.F.R. § 104.15(b). Finally, 11 C.F.R. § 104.3(e) allows use of pseudonyms on reports filed with the Commission "to determine whether the names and addresses of its contributors are being used in violation of [the Act and Regulations] to solicit contributions"

Jamestown acknowledges that in the summer of 1986, approximately one dozen college student volunteers were working at Jamestown's offices. Several of these interns went to the Commission's Public Records Office and copied lists of the names and addresses of certain contributors to the Republican National Committee ("RNC"). Sometime thereafter, Jamestown added the names and addresses of certain selected RNC contributors to its pre-existing mailing list. On or about November 23, 1987, Jamestown sent a mailing which solicited contributions to a pseudonymous name contained on a RNC list filed with the Commission.

This Office recommends that the Commission now enter into pre-probable cause conciliation with Jamestown.

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III. DISCUSSION OF CONCILIATION PROVISIONS AND CIVIL PENALTY

IV. RECOMMENDATIONS

1. Enter into conciliation with the Jamestown Foundation prior to a finding of probable cause to believe.
2. Approve the attached proposed conciliation agreement and letter.

Lawrence M. Noble
General Counsel

11-2-88

Date

BY:


 Lois G. Lerner
 Associate General Counsel

Attachments

1. Request for conciliation and response to information request
2. Proposed Conciliation Agreement and letter

Staff Member: Janice Lacy

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2566
The Jamestown Foundation)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 17, 1988, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 2566:

1. Enter into conciliation with the Jamestown Foundation prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement and letter attached to the General Counsel's report dated November 2, 1988.

Commissioners Aikens, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented.

Attest:

Nov. 17, 1988

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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7/10/88



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 28, 1988

Justin D. Simon, Esquire
Dickstein, Shapiro & Morin
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
Jamestown Foundation

Dear Mr. Simon:

On April 28, 1988, the Federal Election Commission found reason to believe that the Jamestown Foundation violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15. At your request, on November 17, 1988, the Commission determined to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your client agrees with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

89 JAN 18 PM 5:11

In the Matter of
The Jamestown Foundation

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)
)

MUR 2566

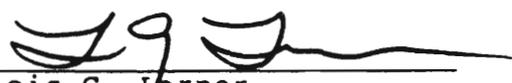
SENSITIVE

GENERAL COUNSEL'S REPORT

On November 17, 1988, the Commission authorized the commencement of conciliation with the Respondent in the above-captioned matter prior to a finding of probable cause to believe. The Office of the General Counsel has concluded that an extension of the conciliation period by an additional thirty days would facilitate the conclusion of a satisfactory settlement with the Respondent.

Lawrence M. Noble
General Counsel

1-18-89
Date

BY: 
Lois G. Lerner
Associate General Counsel

Staff Member: Janice Lacy

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DICKSTEIN, SHAPIRO & MORIN

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH

VIRGINIA OFFICE
8300 BOONE BOULEVARD
SUITE 800
P.O. BOX 2537
VIENNA, VIRGINIA 22180
703 847-9190

NEW YORK OFFICE
598 MADISON AVENUE
NEW YORK, N.Y. 10022
212 832-1900

JUSTIN D. SIMON
DIRECT DIAL
202 826-2211

April 25, 1989

BY HAND DELIVERY

Lawrence M. Noble, Esquire
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 2566 - The Jamestown Foundation

Dear Mr. Noble:

After further consideration of the Commission's letter of April 11, 1989, my client, The Jamestown Foundation, has agreed to accept the proposal offered by the Commission to enter into a Conciliation Agreement with respect to the above-referenced MUR. In so doing, my client has acceded to the Commission's request that the Conciliation Agreement make no reference to the fact that the complainant has withdrawn its complaint and to the fact that my client's defense to this matter was in part based on the fact that the subject regulation was not authorized by the statute.

My client has agreed that upon execution of the Conciliation Agreement, it will pay a civil penalty of \$250. Accordingly, I am enclosing an executed copy of the Conciliation Agreement which accompanied the Commission's April 11, 1989 letter.

If you have any questions concerning this or any other matter, please do not hesitate to contact me.

Sincerely,

Justin D. Simon
Justin D. Simon

JDS/df

59 APR 25 PM 1:12

99615204000

89 MAY 11 AM 10:16

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter)
)
The Jamestown Foundation) MUR 2566
)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Attached is a conciliation agreement which has been signed on behalf of The Jamestown Foundation. (Attachment 1).

The agreement contains no changes from the agreement approved by the Commission on April 6, 1989. Payment of the \$250 civil penalty has not yet been received.

II. RECOMMENDATIONS

1. Accept the attached conciliation agreement with The Jamestown Foundation.
2. Close the file.
3. Approve the attached letter.

Lawrence M. Noble
General Counsel

May 11, 1989
Date

By: George F. Rishel
George F. Rishel
Acting Associate
General Counsel

Attachments

1. Conciliation Agreement and letter from counsel
2. Letter to counsel
3. Letter to complainant

Staff Assigned: Janice Lacy/Anne Weissenborn

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
The Jamestown Foundation

)
)
)

MUR 2566

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on May 15, 1989, the Commission decided by a vote of 6-0 to take the following actions in MUR 2566:

1. Accept the conciliation agreement with The Jamestown Foundation, as recommended in the General Counsel's report signed May 11, 1989.
2. Close the file.
3. Approve the letter, as recommended in the General Counsel's report signed May 11, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

May 15, 1989
Date

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

Received in the Office of Commission Secretary:	Thurs.,	5-11-89,	10:16
Circulated on 48 hour tally basis:	Thurs.,	5-11-89,	4:00
Deadline for vote:	Mon.,	5-15-89,	4:00

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 18, 1989

Justin D. Simon, Esquire
Dickstein, Sharp & Moran
2101 L Street, N.W.
Washington, D.C. 20037

RE: MUR 2566
The Jamestown Foundation

Dear Mr. Simon:

On May 15, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of violations of 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended and of 11 C.F.R. § 104.5, a provision of the Commission's regulations. Accordingly, the file has been closed in this matter. This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: George F. Rishel, Acting
Associate General Counsel

Enclosure
Conciliation Agreement

9 7 9 4 0 7 5 1 9 6 9



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

E. Mark Braden, Chief Counsel
Republican National Committee
310 First Street, S.E.
Washington, D.C. 20003

RE: MUR 2566

Dear Mr. Braden:

This is in reference to the complaint you filed with the Federal Election Commission on December 17, 1987, concerning The Jamestown Foundation.

The Commission found that there was reason to believe The Jamestown Foundation violated 2 U.S.C. § 438(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.15, a provision of the Commission's regulations and conducted an investigation in this matter. On May 15, 1989, a conciliation agreement signed by the respondent was accepted by the Commission. Accordingly, the Commission closed the file in this matter on May 15, 1989. A copy of this agreement is enclosed for your information.

If you have any questions, please contact Janice Lacy, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: George F. Rishel, Acting
Associate General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Jamestown Foundation) MUR 2566
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by the Republican National Committee. The Federal Election Commission ("Commission") found reason to believe that the Jamestown Foundation ("Respondent") violated 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15 by using names copied from disclosure reports filed with the Commission for the purpose of soliciting contributions, and an investigation was conducted.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C.

§ 437g(a)(4)(A)(i).

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

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

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

1. Respondent is a nonprofit, tax-exempt corporation founded in 1984, whose stated purpose is to help high-level defectors from Eastern Bloc countries to adjust to life in the West so that they can make use of their talents, knowledge, and

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expertise to enhance the West's understanding of the countries from which they came.

2. According to a sworn complaint filed by the Chief Counsel of the Republican National Committee (the "RNC"), the RNC's disclosure reports contained contributor pseudonyms (see 11 C.F.R. § 104.3(e)) which were used by the Respondent for the purpose of soliciting contributions.

3. In the summer of 1986, several college student volunteers working for the Respondent copied the names and addresses of certain RNC contributors from reports at the Commission's Public Records Office in Washington, D.C.

4. Some of the names and addresses of these contributors were added to the Respondent's pre-existing mailing list.

5. On or about November 23, 1987, the Respondent sent a mailing to a pseudonymous name contained on a RNC list filed with the Commission. The communication sent to the address of this pseudonym included a request for contributions to the Respondent. Respondent contends that any fundraising associated with that communication was a secondary purpose.

6. 2 U.S.C. § 438(a)(4) states in part that "any information copied from [disclosure] reports or statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes"

7. 11 C.F.R. § 104.3(e) allows the use of pseudonyms on reports filed with the Commission "to determine whether the

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names and addresses of its contributors are being used in violation of [the Act and Regulations] to solicit contributions or for commercial purposes. . . ."

8. 11 C.F.R. § 104.15(b) defines "soliciting contributions" to include "soliciting any type of contribution or donation, such as political or charitable contributions."

V. Respondent used information on disclosure reports filed with the Commission for the purpose of soliciting contributions in violation of 2 U.S.C. § 438(a)(4) and 11 C.F.R. § 104.15.

VI. Recognizing that the Foundation's resources are limited and should best be used for the purposes for which the Foundation was created, the Foundation has determined to enter into this conciliation with the Commission in order to obtain a final resolution of this matter.

VII. Respondent will pay a civil penalty to the Federal Election Commission in the amount of \$250.00, pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

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

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble
General Counsel

BY: George F. Rishel May 17, 1989
George F. Rishel Date
Acting Associate
General Counsel

FOR THE RESPONDENT:

William W. Geimer 4/17/89
William W. Geimer Date
President

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2566

DATE FILMED 6/2/89 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC RECORD IN (CLOSED) MUR 2566

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

DICKSTEIN, SHAPIRO & MORIN

89 JUL 21 AM 10:00

VIRGINIA OFFICE
8100 BOONE BOULEVARD
SUITE 800
P.O. BOX 2037
VIENNA, VIRGINIA 22180
703 841 9100

2101 L STREET, N.W.
WASHINGTON, D.C. 20037
202 785-9700
TELEX: 892608 DSM WSH
WRITERS DIRECT DIAL NUMBER

NEW YORK OFFICE
588 MADISON AVENUE
NEW YORK, N.Y. 10022
212 682-1800

July 19, 1989

Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Anne Weissenborn

Re: The Jamestown Foundation
MUR 2566

Dear Ms. Weissenborn:

Enclosed please find a check from The Jamestown Foundation for \$250, payable to the Federal Election Commission. This check is tendered pursuant to Jamestown's Conciliation Agreement with the Commission. In our telephone conversation last month, you informed me that I could send the check to your attention.

Thank you very much for your assistance. Please call me if you have any questions.

Sincerely yours,
Gregory Baruch
Gregory Baruch

Enclosure

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUL 21 PM 9:00

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUL 24 PM 9:20

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CLOSED

AMERICAN SECURITY BANK, N.A. 15-55/540
DUPONT CIRCLE BRANCH
WASHINGTON, DC

THE JAMESTOWN FOUNDATION

1712 NEW HAMPSHIRE AVE., NW.
WASHINGTON, DC 20009

No. 000146

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
July 12, 1989		\$250.00

PAY Two Hundred - Fifty Dollars and no/100-----

TO THE ORDER OF Federal Election Commission

W. Smida

⑈000146⑈ ⑆054000551⑆ 29⑈865 35 200⑈

MEMORANDUM

TO: DEBRA A. TRIMIEW TO: CHERYL T WILLIAMS
FROM: CHERYL T WILLIAMS FROM: DEBRA A. TRIMIEW

CHECK NO. 000146 { A COPY OF WHICH IS ATTACHED } RELATING TO

MUR 2566 AND NAME The Jamestown Foundation

^(Weissenborn)
WAS RECEIVED ON 7/24/89. PLEASE INDICATE THE ACCOUNT INTO

WHICH IT SHOULD BE DEPOSITED:

- / / BUDGET CLEARING ACCOUNT { 95F3875.16 }
- / ✓ / CIVIL PENALTIES ACCOUNT { 95-1099.160 }
- / / OTHER _____

SIGNATURE Debra A. Trimiew DATE 7/24/89

33040764021