



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2945

DATE FILMED 11/22/89 CAMERA NO. 4

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FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

June 16, 1989

MEMORANDUM

TO: LAWRENCE M. NOBLE  
GENERAL COUNSEL

THROUGH: JOHN C. SURINA  
STAFF DIRECTOR

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

SUBJECT: UNAUTHORIZED QUARTERLY FILERS WHICH FAILED TO FILE  
THE 1988 12 DAY PRE-GENERAL REPORT BY ELECTION DAY

11:14 6/16/89

89040715367

The attached list of unauthorized committees consists of thirty-seven (37) quarterly filers which failed to file a 1988 12 Day Pre-General Report by Election Day, November 8, 1988.

Unlike the mandatory reporting requirement placed upon monthly filers, 2 U.S.C. §434(a)(4)(A)(ii) requires quarterly filers to submit 12 Day Pre-General Reports only if the committees make contributions to or expenditures on behalf of federal candidates in the general election. All unauthorized committees were sent prior notification regarding the pre- and post-general filing requirements on October 3, 1988 (Attachment 38).

The Party/Non-Party Branch conducted a thorough examination to identify quarterly filers disclosing contributions or expenditures between October 1 and October 19, 1988. The research revealed committees that submitted:

- a) 12 Day Pre-General Reports in an untimely manner;
- b) 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed; and
- c) Year End Reports indicating that 12 Day Pre-General Reports should have been filed.

If you have any questions regarding this matter, please contact Lisa J. Stolaruk at 376-2480.

A-000.1

List of Committees and Prior Commission Actions

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5. C00196220 Americans for the Republic Inc. (FKA  
Committee for Freedom) 89NF-73

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39040713370

A-00004

COMMITTEE ID, NAME AND ADDRESS

CONTACTS WITH FILER ATCH

REPORTS FILED: RESPONSES

37040715371

.....

C00196220  
 AMERICANS FOR THE REPUBLIC INC (FKA COMMITTEE FOR FREEDOM)  
 TREASURER'S NAME: FREDERICK H SHAFER (5/19/88 to present)\*  
 BOX 2000  
 CHESAPEAKE VA 23320

Attachments 5a-5f

Telecon  
1/13/89

1988 30 Day  
Post-General  
Report and  
Letter filed  
1/30/89

\*Connaught Marshner (4/23/86-2/15/88); Phillip E. Hurley (2/16/88-5/18/88)

A-00005

3 0 0 4 0 7 / 5 3 7 2

PAGES 6 THROUGH 12 DO NOT PERTAIN TO THESE RESPONDENTS.

A-00003

**Americans for the Republic Inc. (FKA Committee  
for Freedom)**

(Attachments 5a - 5f)

800407 / 1375

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All reports have been reviewed.

Ending cash-on-hand as of 12/31/88: \$12,637

Outstanding debts owed by the committee as of 12/31/88: \$40,887

Outstanding debts owed to the committee as of 12/31/88: \$0

FEDERAL ELECTION COMMISSION  
1987-1988  
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

DATE 17MAY89

PAGE 5

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
						TYPE OF FILER
AMERICANS FOR THE REPUBLIC INC (FKA COMMITTEE FOR FREEDOM)				ID #C00196220 NON-PARTY QUALIFIED		
CONNECTED ORGANIZATION: NONE						
1987	MID-YEAR REPORT	16,846	16,492	1JAN87 -30JUN87	8	87FEC/480/2431
	1 <sup>ST</sup> LETTER INFORMATIONAL NOTICE			1JAN87 -30JUN87	1	87FEC/492/4191
	YEAR-END	60,044	50,953	1JUL87 -31DEC87	15	88FEC/504/0201
	YEAR-END - AMENDMENT	60,044	50,953	1JUL87 -31DEC87	16	88FEC/504/5155
1988	STATEMENT OF ORGANIZATION - AMENDMENT			16FEB88	2	88FEC/509/1507
	STATEMENT OF ORGANIZATION - AMENDMENT			19MAY88	2	88FEC/525/4025
	STATEMENT OF ORGANIZATION - AMENDMENT			11JUL88	3	88FEC/533/1172
	APRIL QUARTERLY	26,645	28,992	1JAN88 -31MAR88	7	88FEC/523/5421
	APRIL QUARTERLY - AMENDMENT			1JAN88 -31MAR88	2	88FEC/526/5215
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	2	88FEC/525/0585
	JULY QUARTERLY	48,552	16,815	1APR88 -30JUN88	18	88FEC/536/2790
	JULY QUARTERLY - AMENDMENT	48,552	16,815	1APR88 -30JUN88	5	88FEC/546/4052
	REQUEST FOR ADDITIONAL INFORMATION			1APR88 -30JUN88	4	88FEC/543/5072
	OCTOBER QUARTERLY	59,285	79,267	1JUL88 -30SEP88	37	88FEC/555/4784
	OCTOBER QUARTERLY - AMENDMENT			1JUL88 -30SEP88	4	89FEC/576/0464
	REQUEST FOR ADDITIONAL INFORMATION			1JUL88 -30SEP88	3	88FEC/565/4229
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL88 -30SEP88	4	88FEC/574/5463
	POST-GENERAL	44,443	50,182	1OCT88 -28NOV88	27	89FEC/580/5398
	POST-GENERAL - AMENDMENT	42,670	50,182	1OCT88 -28NOV88	5	89FEC/587/0658
	NOTICE OF FAILURE TO FILE			28NOV88	1	89FEC/576/2133
	REQUEST FOR ADDITIONAL INFORMATION			1OCT88 -28NOV88	3	89FEC/588/3028
	YEAR-END	4,587	5,284	29NOV88 -31DEC88	12	89FEC/581/1285
1989	MISCELLANEOUS NOTICE FROM FEC			11JAN89	1	89FEC/577/0959
	MISCELLANEOUS REPORT TO FEC			23JAN89	2	89FEC/578/5206
TOTAL		358,629	0 342,985	184 TOTAL PAGES		

ATTACHMENT 5A

phone #:

**ANALYST:** Andrew Dodson  
**CONVERSATION WITH:** David Brabham  
**COMMITTEE:** Americans For The Republic Inc. c00196220  
**DATE:** 1/13/89  
**SUBJECT(S):** Non-Filing of the 30 Day Post General Report (10/1/88 - 11/28/88)

I spoke to Mr. Brabham today and told him that the Commission had not received a 30 Day Post General Report from his committee. Mr. Brabham stated that he was not aware of the reporting requirements and would file as soon as possible.

300407 / 3375

**HAND DELIVERED**  
FEDERAL ELECTION COMMISSION

89 JAN 30 PM 1:48

P.O. Box 2000  
Chesapeake, VA 23320

January 27, 1989

Mr. Andrew Dodson  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463

Dear Mr. Dodson:

Please find enclosed the 30 Day Post - General Report covering the period from October 1, 1988 through November 28, 1989. This report is being submitted now as a response to the John D. Gibson letter of January 6, 1989 and its original notification to Americans For The Republic.

Upon receipt of the January 6th letter, Andrew Dodson of the FEC was contacted by David Brabham, a member of our staff. During their telephone conversation of January 13th, Mr. Dodson explained that the 30 Day Post - General Report is an interim Report of Receipts and Disbursements required only during an election year and the subsequent Year End Report covers only the period from November 29, 1989 through December 31, 1989. He also advised our Mr. Brabham that since the January 6, 1989 letter was Americans For The Republic's first notification of the necessity for filing this special report, we should include this information in a cover letter with the report in order to make this a part of our public record.

At this time Americans For The Republic would like to state for the record that it has no knowledge or recollection of any previous notification from the Commission of the necessity of filing this report or of the reports due date.

Sincerely,

*Fred H. Shafer*  
Fred H. Shafer  
Treasurer

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# REPORT OF RECEIPTS AND DISBURSEMENTS DELIVERED

For Other Than An Authorized Committee  
(Summary Page)

FEDERAL ELECTION COMMISSION

89 JAN 20 PM 1:48

USE FEL MAILING LABEL ON TYPE OR PRINT

1 NAME OF COMMITTEE (in full) <b>Americans For The Republic, Inc.</b>		3 This committee qualified as a multicandidate committee DURING THIS Reporting Period on _____ (date)
ADDRESS (number and street) <input type="checkbox"/> Check if different than previously reported <b>P.O. Box 2000</b>		
CITY, STATE and ZIP CODE <b>Chesapeake, VA 23320</b>		

2 FEC IDENTIFICATION NUMBER  
**C00196220**

### 4. TYPE OF REPORT

- (a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report
- Monthly Report Due On  
 February 20     June 20     October 20  
 March 20     July 20     November 20  
 April 20     August 20     December 20  
 May 20     September 20     January 31
- Twelfth day report preceding \_\_\_\_\_ (Type of Election) election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (b) Is this Report an Amendment?     YES     NO

### SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period <u>Oct. 1, 1988</u> through <u>Nov. 28, 1988</u>		
6 (a) Cash on Hand January 1, 1988		\$ 9,668.70
(b) Cash on Hand at Beginning of Reporting Period	\$ 19,074.71	
(c) Total Receipts (from Line 18)	\$ 44,442.88	\$ 178,924.88
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 63,517.59	\$ 188,593.58
7 Total Disbursements (from Line 28)	\$ 50,182.87	\$ 175,258.86
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 13,334.72	\$ 13,334.72
9 Debts and Obligations Owed TO the Committee (itemize as on Schedule C and/or Schedule D)	\$ -0-	
10 Debts and Obligations Owed BY the Committee (itemize as on Schedule C and/or Schedule D)	\$ 26,187.87	

For further information contact:  
Federal Election Commission  
999 E Street NW  
Washington, DC 20463  
Toll Free 800 424 9530  
Local 202 376 7120

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

Type or Print Name of Treasurer  
**Fred H. Shafer**

Signature of Treasurer  
*Fred H. Shafer*

Date  
**1-26-89**

Whoever is the author of any false, misleading or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g

8 0 5 3 7 7

## DETAILED SUMMARY PAGE

of Receipts and Disbursements  
(Page 2, FEC FORM 3X)

Name of Committee (in full)	Report Covering the Period		
<b>Americans For The Republic, Inc.</b>	From 10/1/88	to 11/28/88	
<b>I. RECEIPTS</b>	<b>COLUMN A</b>	<b>COLUMN B</b>	
	Total This Period	Calendar Year-To-Date	
<b>11 CONTRIBUTIONS (other than loans) FROM:</b>			
(a) Individuals/Persons Other Than Political Committees			
(i) Itemized (use Schedule A)	19,311.42	128,761.42	11(A)(i)
(ii) Unitemized	12,381.68	37,413.68	11(A)(ii)
(iii) Total of contributions from individuals			11(A)(iii)
(b) Political Party Committees			11(B)
(c) Other Political Committees (such as PACs)			11(C)
(d) <b>TOTAL CONTRIBUTIONS</b> (add 11(a)(iii), (b), and (c))	<b>31,693.10</b>	<b>166,175.10</b>	11(D)
<b>12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b>			12
<b>13 ALL LOANS RECEIVED</b>			13
<b>14 LOAN REPAYMENTS RECEIVED</b>			14
<b>15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b>	12,749.78	12,749.78	15
<b>16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>			16
<b>17 OTHER RECEIPTS (Dividends, Interest, etc.)</b>			17
<b>18 TOTAL RECEIPTS</b> (add 11(d), 12, 13, 14, 15, 16 and 17)	<b>44,442.88</b>	<b>178,924.88</b>	18
<b>II. DISBURSEMENTS</b>			
<b>19 OPERATING EXPENDITURES</b>	48,182.87	157,258.86	19
<b>20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b>			20
<b>21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>	2,000.00	17,500.00	21
<b>22 INDEPENDENT EXPENDITURES (use Schedule E)</b>			22
<b>23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)</b>			23
<b>24 LOAN REPAYMENTS MADE</b>			24
<b>25 LOANS MADE</b>			25
<b>26 REFUNDS OF CONTRIBUTIONS TO:</b>			
(a) Individuals/Persons Other Than Political Committees			26 a
(b) Political Party Committees			26 b
(c) Other Political Committees (such as PACs)			26 c
(d) <b>TOTAL CONTRIBUTION REFUNDS</b> (add 26 a, b, and c)			26 d
<b>27 OTHER DISBURSEMENTS</b>		500.00	27
<b>28 TOTAL DISBURSEMENTS</b> (add 19, 20, 21, 22, 23, 24, 25, 26(d), and 27)	<b>50,182.87</b>	<b>175,258.86</b>	28
<b>III. NET CONTRIBUTIONS OPERATING EXPENDITURES</b>			
<b>29 TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))</b>	31,693.10	166,175.10	29
<b>30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))</b>			30
<b>31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)</b>	31,693.10	166,175.10	31
<b>32 TOTAL OPERATING EXPENDITURES (from Line 19)</b>	48,182.87	157,258.86	32
<b>33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)</b>	12,749.78	12,749.78	33
<b>34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)</b>	<b>35,433.09</b>	<b>144,509.08</b>	34

83 200 A 0870/501578

AD

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE OF  
FOR LINE NUMBER  
21

All information copied from such Reports and Statements may not be sold or used by any person for the 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

NAME OF COMMITTEE (in Full)

AMERICANS FOR THE REPUBLIC, INC.

AJL

207 20317 9

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Dawkins For Senate 115 E. Grace St. Richmond, Va. 23219	Political Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/5/88	1,500.00
S. Carolina Rep. Party P.O. Box 5247 Columbia, SC 29250	Political Contribution Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	10/20/88	500.00
	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
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	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL (Disbursements This Page) (actions)	
TOTAL This Period (on page this line number on)	2,000.00

89 AUG -9 AM 10:03

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

**RAD REFERRAL:** 89NF-69 thru  
89NF-105

**STAFF MEMBER:** Gregory Baker

**SOURCE:** Internally Generated

**RESPONDENTS:** a.

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e. Americans for the Republic Inc. (FKA Committee  
for Freedom) and Frederick H. Shafer,  
as treasurer (89NF-73)

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890407 / 6390

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390407/3381

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RELEVANT STATUTE: 2 U.S.C. § 434(a)(4)(A)(ii)

INTERNAL REPORTS CHECKED: Disclosure Reports and  
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the above (37) committees to the Office of the General Counsel on June 16, 1989. (Attachment 1). The basis for the attached referral is

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the committees' failure to file the 12 Day Pre-General Report by October 27, 1988.

II. FACTUAL AND LEGAL ANALYSIS

A. Filing of Reports

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The Federal Election Campaign Act of 1971, as amended ("the Act"), provides that for unauthorized committees filing quarterly, such committees shall submit 12 Day Pre-General Reports if the Committees make any contributions to or expenditures on behalf of federal candidates in the general election. 2 U.S.C. § 434(a)(4)(A)(ii). The 12 Day Pre-General Report is due as of the 12th day before the election (October 27, 1988) and should be complete as of the 20th day before the election (October 19, 1988). The Committees were notified on October 3, 1988, that the report was due on October 27, 1988.

The (37) committees fall into three categories;

(1) committees that filed 12 Day Pre-General Reports in an untimely manner, (2) committees that filed 30 Day Post-General Reports indicating that 12 Day Pre-General Reports should have been filed, and (3) committees that filed Year End Reports indicating that 12 Day Pre-General Reports should have been filed. The following Committees did not file the 1988 12 Day Pre-General Report by October 27, 1988:

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- (2) 30 Day Post-General Reports Indicating that 12 Day Pre-General Reports should have been filed.

Americans for the Republic Inc. (FKA  
Committee for Freedom)(89NF-73)

January 30, 1989

3 7 0 4 0 7 / 3 3 8 5

(3) Year End Reports Indicating that 12 day Pre-General Reports should have been filed.

3 2 0 4 0 7 7 3 3 8 0

Accordingly, the Office of the General Counsel recommends that the Commission open Matters Under Review and find reason to believe that the above committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii).

**III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

This Office also recommends that the Commission offer to enter into conciliation prior to a finding of probable cause to believe with respect to the (37) referred committees. Attached for the Commission's approval are proposed conciliation agreements (Attachment 2). The proposed agreements provide for an admission of the violation and civil penalties computed as follows:

3 2 0 4 0 7 / 5 3 8 7

PAGES 9 THROUGH 44 DO NOT PERTAIN TO THESE RESPONDENTS.

8 2 0 4 0 7 / 3 3 8 8

**IV. RECOMMENDATIONS**

1. Open Matters Under Review with respect to the following committees and their treasurers and find reason to believe that these committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii).

Americans for the Republic Inc. (FKA Committee for Freedom) and Frederick H. Shafer, as treasurer (89NF-73)

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2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe.

Americans for the Republic Inc. (FKA Committee for Freedom) and Frederick H. Shafer, as treasurer (89NF-73).

390407 / 5391

390407 / 3392

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3. Approve the attached letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Recommendation 2.

Lawrence M. Noble  
General Counsel

8/7/89  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments:

- A. Referral materials
- B. Proposed Conciliation Agreements (37),  
Letters and Factual and Legal Analyses (37)

3 0 0 4 0 7 / 3 3 9 4









Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89 NF-105  
August 22, 1989

Page 5

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 22, 1989, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions with respect to RAD Referrals 89NF-69 through 89NF-105:

1. Open Matters Under Review with respect to the following committees and their treasurers and find reason to believe that these committees and their treasurers violated 2 U.S.C. § 434(a)(4)(A)(ii):

Americans for the Republic Inc. (FKA Committee for Freedom) and Frederick H. Shafer, as treasurer (89NF-73)

(continued)

890407 / 3399

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 6

370407 / 3400

(continued)

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 7

370407/3401

(continued)

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 8

3 2 0 4 0 7 / 3 4 0 2

2. Enter into conciliation with the following committees and their treasurers prior to a finding of probable cause to believe:

(continued)

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 9

Americans for the Republic Inc. (FKA Committee  
for Freedom) and Frederick H. Shafer, as  
treasurer (89NF-73)

8 7 0 4 0 7 / 3 4 0 5

(continued)

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 10

3 9 0 4 0 7 / 3 4 0 4

(continued)

Federal Election Commission  
Certification for RAD Referrals  
89NF-69 through 89NF-105  
August 22, 1989

Page 11

3 3 0 4 0 7 / 3 4 0 5

(continued)

- 390407 / 3400
3. Approve the letters, Factual and Legal Analyses, and proposed conciliation agreements to be sent to the respective respondents listed in Action 2 above, as recommended in the General Counsel's report dated August 7, 1989, subject to amendment of two of the agreements as agreed in the meeting of August 22, 1989.

Commissioners Aikens, Elliott, Josefiak, and McDonald voted affirmatively for the decision; Commissioners McGarry and Thomas were not present.

Attest:

8-25-89

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 6 1989

Frederick H. Shafer, Treasurer  
Americans for the Republic Inc.  
(FKA Committee for Freedom)  
Box 2000  
Chesapeake, VA 23320

RE: MUR 2945  
Americans for the Republic Inc.  
(FKA Committee for Freedom) and  
Frederick H. Shafer, as treasurer

Dear Mr. Shafer:

On August 22, 1989, the Federal Election Commission found that there is reason to believe Americans for the Republic Inc. (FKA Committee for Freedom) ("Committee") and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(ii), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against the Committee and you, as treasurer. 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 within 15 days of your 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 the Committee and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

In order to expedite the resolution of this matter, the Commission has also decided to offer 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.

390407/3301

Frederick H. Shafer, Treasurer  
Page 2

If you are interested in expediting the resolution of this matter by pursuing pre-probable cause conciliation and if you agree with the provisions of the enclosed agreement, please sign and return the agreement, 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.

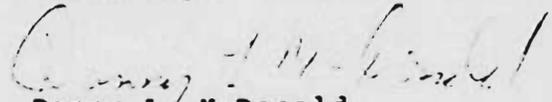
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Jeff Long, the staff person assigned to this matter, at (202) 376-5690.

Sincerely,

  
Danny L. McDonald  
Chairman

Enclosures

- A. Factual and Legal Analysis
- B. Procedures
- C. Designation of Counsel Form
- D. Conciliation Agreement

870407/3408

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LAW OFFICES

VANDEVENTER, BLACK, MEREDITH & MARTIN

89 SEP 29 AM 11:56

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CHARLES F. TUCKER  
JOSEPH A. GAVREY  
MORTON E. CLARK  
JOHN M. RYAN  
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ANITA O. POSTON  
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NEIL S. LOWENSTEIN

HUGH S. MEREDITH  
OF COUNSEL

September 27, 1989

Jeff Long, Esq.  
Office of the General Counsel  
Federal Election Commission  
999 E Street N.W.  
Washington, D. C. 20004

VIA FEDERAL EXPRESS

RE: MUR 2945  
Americans for the Republic, Inc. (FKA Committee for  
Freedom) and Frederick H. Shafer, as Treasurer

Dear Mr. Long:

Enclosed please find a Statement of Designation of Counsel, designating me as counsel for both the Committee and Frederick H. Shafer. To confirm our telephone conversation of September 12, 1989, the Committee is interested in entering into a conciliation agreement and settlement of this matter. Attached please find the Affidavit of Frederick H. Shafer, Treasurer for the Committee.

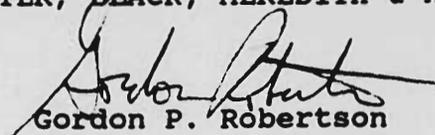
The Committee regrets this omission on the part of its Treasurer and in the future will endeavor to file reports in a timely fashion and remain in compliance with law.

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Jeff Long, Esq.  
September 27, 1989  
Page 2

Sincerely,

VANDEVENTER, BLACK, MEREDITH & MARTIN

  
Gordon P. Robertson

GPR/mvk  
Enclosure

cc: Frederick H. Shafer

890407/3410

**STATEMENT OF DESIGNATION OF COUNSEL**

MUR 2945

NAME OF COUNSEL: Gordon P. Robertson

ADDRESS: VANDEVENTER, BLACK, MEREDITH & MARTIN

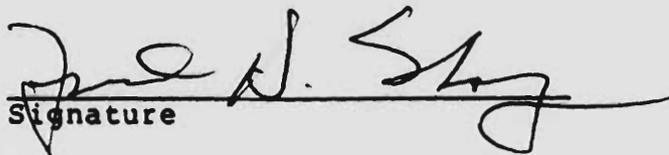
500 World Trade Center

Norfolk, Virginia 23510

TELEPHONE: (804) 446-8600

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.

9-27-89  
Date

  
Signature

RESPONDENT'S NAME: Americans For The Republic, Inc. Fred H. Shafer

ADDRESS: P.O. Box 2000 3558 Shore Dr. #108

Chesapeake, VA 23320 Va. Beach, VA 23455

HOME PHONE: \_\_\_\_\_ (804) 460-3825

BUSINESS PHONE: (804) 523-1988 (804) 523-1988

39040773411

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF

AMERICANS FOR THE REPUBLIC, INC.  
(FKA COMMITTEE FOR FREEDOM)

MUR 2945

AND

FREDERICK H. SHAFER, AS TREASURER.

AFFIDAVIT OF MR. FREDERICK H. SHAFER

Frederick H. Shafer, first sworn, deposes and says as follows:

1. I am Treasurer for Americans for the Republic, Inc., Box 2000, Chesapeake, Virginia 23320.

2. Americans for the Republic, Inc. is a not-for-profit corporation, organized and existing pursuant to the laws of the Commonwealth of Virginia.

3. I have read the letter from the Federal Election Commission dated September 6, 1989.

4. As Treasurer for Americans for the Republic, Inc., I did not realize that the activities of the Committee required a 30 day post-general or the 12 day pre-general report.

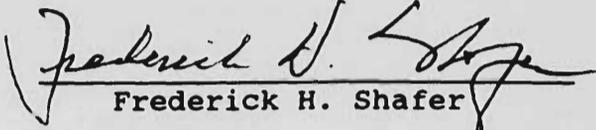
5. During the relevant time period covered by the twelve day pre-general report and the 30 day post-general report, Americans for the Republic, Inc. made only one contribution to or expenditures on behalf of a federal candidate in the general election. That contribution was to Maurice Dawkins, Dawkins for Senate, in the amount of \$1,500 on October 5, 1988.

6. In approximately the first week in October, Americans for the Republic, Inc. paid the airfare and travel expenses for a surrogate speaker for an event endorsing the Bush/Quayle ticket. Those expenses were reimbursed by Bush-Quayle 88 on October 10, 1988 in the amount of \$1,104. Americans for the Republic, Inc. also advanced travel expenses for surrogate speakers to speak in conjunction with the Committee to End Tax-Funded Abortions, the Republican Party of Kentucky, the Michigan Committee for Freedom, and the Ohio Republican Party. These travel expenditures were all reimbursed. Other than the \$1,500 contribution to Dawkins for Senate, Americans for the Republic, Inc. made no

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direct contribution or expenditure on behalf of any federal candidate during the relevant reporting period covered by the 12 day pre-general report and the 30 day post-general report.

Further, the Affiant sayeth not.

  
Frederick H. Shafer

STATE OF \_\_\_\_\_,  
CITY/COUNTY OF \_\_\_\_\_, to wit:

I, \_\_\_\_\_, a Notary Public in and for the city/county and state aforesaid, do hereby certify that Frederick H. Shafer, whose name is signed to the foregoing Affidavit, personally appeared before me in the city/county and state aforesaid, and after by me being first duly sworn, made oath and testified that the matters contained therein are true and correct and subscribed and acknowledged his signature before me.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

\_\_\_\_\_  
Notary Public

My commission expires:  
\_\_\_\_\_

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LAW OFFICES  
VANDEVENTER, BLACK, MEREDITH & MARTIN

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HUGH S. MEREDITH  
OF COUNSEL

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OFFICE OF THE CLERK  
99 OCT 25 PM 4:23

October 18, 1989

Jeffrey Long  
Federal Election Commission  
Washington, DC 20463

RE: MUR 2945

Dear Mr. Long:

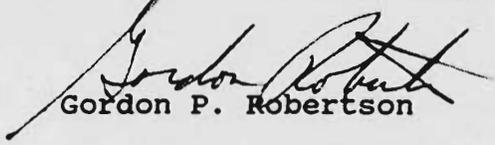
Enclosed please sign an executed Conciliation Agreement signed by Fred Shafer, Treasurer for Americans for the Republic, Inc. Also enclosed is a check in the amount of \$1,000 as payment in full for the civil penalty referenced in the Conciliation.

Once the Commission has executed the Conciliation Agreement, please send me a copy for my records.

Thank you for your assistance and cooperation in this matter.

Sincerely,

VANDEVENTER, BLACK, MEREDITH & MARTIN

  
Gordon P. Robertson

GPR/mvk  
Enclosures

89 OCT 23 AM 10:38

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WASHINGTON, DC 20463

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**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of

Americans for the Republic, Inc. )  
(FKA Committee for Freedom) and ) MUR 2945  
Frederick H. Shafer, as treasurer )  
)

**GENERAL COUNSEL'S REPORT**

**I. BACKGROUND**

Attached is a conciliation agreement which has been signed by Frederick H. Shafer, the treasurer of Americans for the Republic, Inc. ("the Committee").

**II. RECOMMENDATIONS**

1. Accept the attached conciliation agreement with Americans for the Republic, Inc. and Frederick H. Shafer, as treasurer.
2. Close the file.

370407 / 3415

3. Approve the attached letter.

Lawrence M. Noble  
General Counsel

11-3-89  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

1. Committee's response
2. Conciliation Agreement
3. Photocopy of civil penalty check
4. Letter to Respondent

Staff Assigned: Jeffrey Long

000007/0415

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Americans for the Republic, Inc. ) MUR 2945  
(FKA Committee for Freedom) and )  
Frederick H. Shafer, as treasurer )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 8, 1989, the Commission decided by a vote 5-0 to take the following actions in MUR 2945:

1. Accept the attached conciliation agreement with Americans for the Republic, Inc. and Frederick H. Shafer, as treasurer, as recommended in the General Counsel's Report dated November 3, 1989.
2. Close the file.
3. Approve the letter as recommended in the General Counsel's Report dated November 3, 1989.

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

Attest:

Nov. 9, 1989  
Date

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

Received in the Secretariat: Monday, November 6, 1989 11:58  
Circulated to the Commission: Monday, November 6, 1989 4:00  
Deadline for vote: Wednesday, November 8, 1989 4:00

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 16, 1989

Gordon P. Robertson, Esquire  
Vandeventer, Black, Meredith & Martin  
500 World Trade Center  
Norfolk, Virginia 23510

**CLOSED**

RE: MUR 2945  
Americans for the  
Republic and Frederick  
H. Shafer, as treasurer

Dear Mr. Robertson:

On November 8, 1989, the Federal Election Commission accepted the signed conciliation agreement and civil penalty submitted on your client's behalf in settlement of a violation of 2 U.S.C. § 434(a)(4)(A)(ii), a provisions of the Federal Election Campaign Act of 1971, as amended. 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 Jeffrey Long, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

890907 / 3418

**BEFORE THE FEDERAL ELECTION COMMISSION**

In the Matter of )  
 )  
Americans for the Republic, Inc. ) MUR 2945  
(FKA Committee for Freedom) )  
and Frederick H. Shafer, )  
as treasurer )

**CONCILIATION AGREEMENT**

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that the Americans for the Republic, Inc. (FKA Committee for Freedom) and Frederick H. Shafer, as treasurer, ("Respondents") violated 2 U.S.C. § 434(a)(4)(A)(ii).

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 Respondents 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. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in his matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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

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1. Americans for the Republic, Inc. (FKA Committee for Freedom) is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Frederick H. Shafer is the treasurer of Americans for the Republic, Inc. (FKA Committee for Freedom).

3. Section 434(a)(4)(A)(ii) of Title 2 provides that unauthorized committees filing quarterly shall file 12 Day Pre-General Reports if the committee makes any contributions to or expenditures on behalf of federal candidates in the general election. The pre-election reports are to be filed no later than the 12th day before the election and should be complete as of the 20th day before the election.

4. Respondents were required to file the 1988 12 Day Pre-General Report no later than October 27, 1988. Respondents did not file the 12 Day Pre-General Report until January 30, 1989, 95 days late, disclosing \$25,106.41 in receipts and \$16,918.52 in disbursements for the relevant reporting period.

V. Respondents failed to file the 1988 12 Day Pre-General Report in a timely fashion in violation of 2 U.S.C. § 434(a)(4)(A)(ii).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Dollars (\$1,000.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at

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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.

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

IX. Respondents 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.

X. 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.

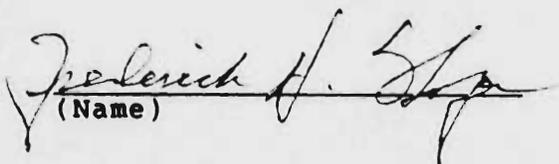
FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

11-16-88  
Date

FOR THE RESPONDENTS:

  
(Name)

10-18-89  
Date

39040710421



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2945

DATE FILMED 4/28/89 CAMERA NO. 4

CAMERAMAN AS

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