



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 3354

DATE FILMED 11/8/91 CAMERA NO. 2

CAMERAMAN AS

91040374727

OB-C 1853

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE SERVICES BRANCH

Bruce M. Director  
318 Rock Spring  
Leesburg, VA 22075

91 JUL 12 AM 11:18

July 10, 1991

Lawrence M. Noble  
General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

MUR  
3354

Dear Mr. Noble:

This is a complaint concerning a violation of the Federal Election Campaign Act. My complaint is against John Overington, 220 Hoffman Road, Martinsburg, W.V. 25401 and the Cult Awareness Network (CAN), 2421 West Pratt Blvd., Suite 1173, Chicago, Ill. 60645. The facts are as follows.

91 JUL 12 PM 3:16

RECEIVED  
FEDERAL ELECTION COMMISSION

On or about June 4, 1991, John Overington circulated to "fellow legislators" of various state legislatures, and possibly other recipients, the letter attached to this complaint as Exhibit A, accompanied by a brochure published by the Cult Awareness Network, attached as Exhibit B. To my direct knowledge, the mailing went to legislators of South Dakota and Oklahoma, and upon belief, to legislators of many other states and possibly the United States Congress and other recipients including the news media.

In its June 19, 1991 issue, the Loudoun Times-Mirror published a letter to the editor from Mr. Overington which was substantially the same as the letter circulated to the legislators (Exhibit C).

Both the letter and the brochure contain malicious lies about Lyndon H. LaRouche, Jr., who is a declared candidate for the Democratic Party nomination for President of the United States in the 1992 election cycle. The letter and the brochure are clearly intended to have a negative effect on Mr. LaRouche's election campaign. In addition to defaming candidate LaRouche in the middle of an electoral campaign, the brochure says that Mr. LaRouche is a threat because of "... his incursions into the legitimate political arena....".

Moreover, by the targetting of state legislators, the news media and others, Mr. Overington has attempted to reach the broadest possible political base, insofar as such recipients are persons of considerable influence in this domain.

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To the best of my knowledge, Mr. Overington is not a political committee and has not reported any of the costs associated with this mailing to the Federal Election Commission, e.g., as independent expenditures. If those costs exceed \$1,000, they would not only be unreported expenditures, but would constitute Mr. Overington and/or other contributors to this effort as an unregistered political committee.

Regarding CAN, the other subject of this complaint, this organization is by its own representation "a national non-profit educational organization" (see Exhibit B), which has qualified for tax-exempt status under the Internal Revenue Code (see Exhibit D). Expenditures by CAN on the production and circulation of this brochure would thus constitute at least the following violations:

Corporate contribution;

Unreported campaign contributions and/or expenditures;

Nonregistration as political committee (if in excess of \$1000);

Violation of tax-exempt status, for which you may wish to refer the matter to the Internal Revenue Service, Department of Justice, U.S. Postal Service, or other enforcement agencies.

COMMONWEALTH OF VIRGINIA

COUNTY OF LOUDOUN ss:

I swear the above stated facts are true to the best of my knowledge and belief.



BRUCE DIRECTOR

Signed and sworn to before me this

10th day of July, 1991.



Notary Public

My Commission Expires: April 10, 1993

91040374729

HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE  
STATE CAPITOL - PHONE (304) 340-3200  
CHARLESTON 25305

JOHN OVERINGTON  
220 HOFFMAN ROAD  
MARTINSBURG, WV 25401  
PHONE (304) 274-1791

Committees:  
Constitutional Revision  
Enrolled Bills  
Government Organization  
Industry & Labor  
Interstate Cooperation

June 4, 1991

Dear Fellow Legislator:

I am writing to share a personal tragedy that happened to my family. About one year ago, my sisters and I learned that the Lyndon LaRouche group got my 83-year old mother's life savings of \$741,000. Among other things, they used late-night visits, high pressure tactics, and deception. The enclosed brochure is to provide a resource to help avoid the same thing happening to you or those you represent.

As a state legislator you may also be on the LaRouche mailing list, receiving a complimentary subscription to their weekly newspaper, The New Federalist. Although some of the views expressed in the newspaper may seem, on the surface, to be benign, patriotic or reasonable, our family's experience with the organization is anything but that. This group is a political cult that has left behind a trail of literally thousands of exploited victims. Most of them are elderly and too embarrassed to come forward. Having been drained of their savings, they have neither the financial means nor the physical stamina to fight the LaRouche organization in a long, drawn out court battle.

If you are aware of any LaRouche activities in your district, please contact the special Cult Awareness Network (CAN) LaRouche hotline at 1-708-382-9128. Among other things LaRouche solicitors use phone banks, direct mail, and tables in front of airports, stores and post offices to get contacts. They then relentlessly pursue them. If they are active in your area, you may also want to contact your state's Attorney General's office and the U.S. Dept. of Justice. I hope you will file the enclosed information for future reference.

I am interested in developing legislation which would make it illegal to solicit elderly persons in their residences late at night and in some circumstances requiring gifts over \$1000 to be reported to a state agency with a three-day waiting period for the donor to change his or her mind. If you have state legislation which addresses this issue or would like to develop such a bill, please get in touch with me or CAN.

Sincerely,

*John Overington*

Delegate John Overington

Enclosure

Exhibit A

21040374730

## WHAT IS A DESTRUCTIVE CULT?

A destructive cult is a group of individuals dominated by a charismatic leadership that unscrupulously recruits unwitting followers through the use of sham promises, false affection, and other deceptive thought reform and mind control techniques.

Most cults' beliefs are imposed on victims without their informed consent. The entire process is designed to alter personality and behavior, and to eliminate free will and substitute absolute loyalty to the group and its leader.

## THE COST IS PERSONAL FREEDOM.

Destructive cults cost Americans untold heartache, loss of family members, and millions of dollars every year. The LaRouche cult, perhaps more than any other, excels in the exploitation and deception of the public.

Who could ever forget Jonestown, where Jim Jones led hundreds of his followers to their deaths in a mass murder and suicide pact, and ordered Congressman Leo J. Ryan murdered. But for every man, woman and child who died in Jonestown, thousands are suffering, dying and being exploited today by other destructive cults such as the LaRouche organization.

Now there is something you can do to stop this pattern of abuse by LaRouche and his followers.

## WHAT IS THE LAROUCHE SUPPORT GROUP?

A new volunteer organization called the LaRouche Victims' Support Group is documenting cases of exploitation by the LaRouche organization. The Support Group also helps ex-followers of LaRouche put their lives back together. It is a support network for victims and former members of the LaRouche political organization that will help other victims tell their stories. The Support Group will refer victims to mental health professionals, legal counsel, and agencies who can help victims return to their normal lives and possibly recover their financial losses.

## WHO SPONSORS THE LAROUCHE VICTIMS' SUPPORT GROUP?

The Committee is sponsored by the Cult Awareness Network (CAN), a national non-profit educational organization dedicated to promoting public awareness of the harmful effects of mind control used by destructive cults. CAN and its volunteers fight unethical or illegal practices by destructive cults, and does not judge doctrine or beliefs.

For more information on destructive cults, and the LaRouche organization and what can be done through the Victims' Support Group to combat illegal activities, contact:

**LaRouche Victims'  
Support Group  
(708) 382-9128**

# The LaRouche Victims' Support Group

Cult leader Lyndon LaRouche has found a way to exploit people's natural fears in order to raise millions of dollars for his powerful financial empire. Every day, Americans--mainly senior citizens--are defrauded of cash, stocks and securities with the promise that LaRouche's simplistic political solutions will somehow solve the world's problems. Victims are made to feel guilty if they do not support LaRouche. They are made to feel uncaring about hunger, war, drugs and an unstable economy.

Wrapped in the U.S. Constitution's guarantee of political freedom, LaRouche followers daily recruit members and indoctrinate them into distorted political ideology, at great financial and emotional cost to the victims.

But now, help is available.

**can** cult  
awareness  
network

2421 West Pratt Blvd., Suite 1173  
Chicago, Illinois 60645



### WHO IS LYNDON LAROUCHE?

Convinced he is a political genius and the only hope for world salvation, LaRouche has developed a credo of

simplistic solutions to world problems mixed with bizarre conspiracy theories. But his huge financial empire and incursions into the legitimate political arena make his organization too serious a threat to be considered a mere fringe group.

Convicted in 1987 of crimes that range from fraud to obstruction of justice, LaRouche is serving a 15-year term in federal prison. But his powerful organization continues to induct unwitting Americans who, once recruited, pledge to amass large amounts of money to further LaRouche's political goals. LaRouche operatives bilk thousands of citizens, mainly the elderly, out of millions--often their life savings--to bankroll deceptive advertising and propaganda campaigns by the group. It's a crime.

### WHO ARE LAROUCHE'S VICTIMS?

The LaRouche organization targets elderly men and women. Some examples:

**Elmer Yoder**, 88, of Pennsylvania was one of the lucky ones. Defrauded out of over \$250,000 by a LaRouche disciple, Yoder later recovered his money after a long court battle. The LaRouche "fundraiser" is now in prison.

**LaRouche philosophy seen as serious threat to democratic values**

**LaRouche Fund-Raiser Sentenced to 10 Years**  
Judge Cuts Time Recommended by Jury

**London Times-Mirror**

**Lawsuits against LaRouche organization near \$1 million mark**

**Banks and Brokers Ordered To Bare LaRouche Funds**

**LaRouche Is Sentenced to 15 Years In Prison for Mail Fraud, Conspiracy**

**LaRouche associate pleads guilty**

**Elderly Seek Refunds From LaRouche**

**LaRouche sentenced to 15 years for fraud**

**LaRouche Jury Is Told of Swindling Schemes**

When Helen Overington, 82, of Pennsylvania, was warned by LaRouche of the coming collapse of the American economy, she signed over income and securities that totalled over \$740,000. The money was never recovered.



### LAROUCHE'S FOLLOWERS ARE HIS VICTIMS, TOO.

Over 20 LaRouche operatives--victims in their own right--have been convicted of crimes ranging from fraud to obstruction of justice, and many are in prison.

These followers are artfully targeted and recruited, then subjected to mind control and sophisticated brainwashing techniques. The LaRouche teachings are drilled into the minds of new recruits, and their personal system of beliefs are replaced with a distorted view of the world according to Lyndon LaRouche.

While in the group, LaRouche devotees claim they are willing participants. But like most former members of destructive cults, they later reveal how they were duped into holding beliefs and committing acts of deception and even violence. Often, they describe their lives in the cult as a nightmare, and express deep remorse over their illegal and unethical activities while in the group.

### A FEW LAROUCHE GROUPS:

- Constitutional Defense Fund
- Eastern States Distributors, Inc.
- Caucus Distributors, Inc.
- The Schiller Institute
- Executive Intelligence Review
- Hamilton Distributors, Inc.

# Loudoun Times-Mirror

127 First Place Awards in Journalism

An Independent Newspaper Published Every Wednesday Established 1788

Phone 777-1111

Wednesday, June 19, 1991

## Beware and combat LaRouche manipulators

To the Editor:

I am writing to share a personal tragedy that happened to my family. About one year ago, my sisters and I learned that the Lyndon LaRouche group got my 83-year-old mother's life savings of \$741,000.

Among other things, they used late-night visits, high-pressure tactics, and deception.

You may be on the LaRouche mailing list and receive a complimentary subscription to their weekly newspaper, The New Federalist. Although some of the views expressed in the newspaper may seem, on the surface, to be benign, patriotic or reasonable, our family's experience with the organization is anything but that.

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If you are aware of any LaRouche activities in your area, please contact the special Cult Awareness Network (CAN) LaRouche hotline at 1-708-382-9128.

Among other things, LaRouche solicitors use phone banks, direct mail, and tables in front of airports, stores and post offices to get contacts. They then relentlessly pursue them.

If they are active in your area, you may also want to contact your state's Attorney General's office and the U.S. Dept. of Justice. I hope you will file the enclosed information for future reference.

I am interested in developing legislation which would make it illegal to solicit elderly persons in their residences late at night and in some circumstances require gifts of over \$1,000 to be reported to a state agency with a three-day waiting period for the donor to change his or her mind.

If you have state legislation which addresses this issue or would like to develop such a bill, please get in touch with me or CAN.

John Overington  
West Virginia Legislature

Exhibit C

91040374733



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 18, 1991

Bruce M. Director  
318 Rock Spring  
Leesburg, VA 22075

RE: MUR 3354

Dear Mr. Director:

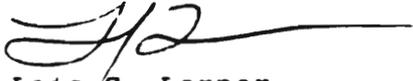
This letter acknowledges receipt on July 12, 1991, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by John Overington and the Cult Awareness Network ("CAN"). The respondents will be notified of this complaint within five days.

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 3354. 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  
Associate General Counsel

Enclosure  
Procedures

91040374734



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1991

Cult Awareness Network ("CAN")  
2421 West Pratt Blvd.  
Suite 1173  
Chicago, Illinois 60645

RE: MUR 3354

Dear Sir or Madam:

The Federal Election Commission received a complaint which alleges that the Cult Awareness Network ("CAN") 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 3354. 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 Cult Awareness Network 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 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

91040374735

("CAN")  
Page 2

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

Sincerely,

Lawrence M. Noble  
General Counsel

  
By: Lois G. Lerner  
Associate General Counsel

Enclosures

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

91040374736



FEDERAL ELECTION COMMISSION  
WASHINGTON DC 20463

July 18, 1991

Mr. John Overington  
220 Hoffman Road  
Martinsburg, West Virginia 25401

RE: MUR 3354

Dear Sir or Madam:

The Federal Election Commission received a complaint which alleges that you 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 3354. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in 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.

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91040374737

Overington  
Page 2

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

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Lerner  
Associate General Counsel

Enclosures

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

91040874738

John Overington  
220 Hoffman Road  
Martinsburg, WV 25401

7-23-91

Please send me information  
on the procedure for  
requesting an FEC  
investigation.

Thanks,

John Overington

21040374739



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FEDERAL ELECTION COMMISSION  
MAIL ROOM

91 JUL 25 AM 10:46

**HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE  
STATE CAPITOL — PHONE (304) 340-3200  
CHARLESTON 25305**

**JOHN OVERINGTON  
229 HOFFMAN ROAD  
MARTINSBURG, WV 25401  
PHONE (304) 274-1791**

Committees:  
Constitutional Revision  
Enrolled Bills  
Government Organization  
Industry & Labor  
Interstate Cooperation

July 23, 1991

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

Dear Ms. Lerner:

RE: FEC MUR 3354

Although I was somewhat amused by the complaint filed with the Federal Election Commission by Mr. Bruce M. Director, I am giving it a serious response with this letter. Mr. Director certainly must know that all candidates who run for office are subject to public scrutiny by their running for office. At the same time members of the public have the right to express their views, relate their experiences about these candidates under their first amendment rights.

However, my "Dear Fellow Legislator" letter neither endorses nor opposes the candidacy of Lyndon LaRouche. In fact it does not even acknowledge or comment on his current candidacy for president. My letter simply points out my family's tragic experience with the LaRouche organization. At the same time my letter suggests possible legislation to prevent the type of actions that occurred to my mother. It focuses on proposals to protect the elderly from being ripped off by late night solicitation, reporting of donations and a waiting period. My letter refers to the Cult Awareness Network as a resource victims may want to turn to for more information.

If the LaRouche organization is concerned about their public or political image, I would suggest that they pay back the money they have taken from many elderly, vulnerable persons, not suppressing public discussion of their actions. At the same time, I suggest a major FEC investigation into the finances of the LaRouche political organizations for possible violations.

Sincerely,

*John Overington*  
Delegate John Overington

91 JUL 26 AM 10:35

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

91040374740



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 2, 1991

Mr. John Overington  
220 Hoffman Road  
Martinsburg, WV 25401

RE: MUR 3354

Dear Mr. Overington:

Pursuant to your request in your letter dated July 23, 1991, enclosed please find a copy of the Federal Election Commission pamphlet "Filing a Complaint." This pamphlet details the requirements for a proper filing and discusses the enforcement process.

Sincerely,

Lawrence M. Noble  
General Counsel

A handwritten signature in black ink, appearing to be "L. Lerner", written over a horizontal line.

By: Lois G. Lerner  
Associate General Counsel

Enclosure  
Pamphlet

91040374741

# CAN cult awareness network

A nation-wide coalition of affiliates concerned about destructive cults

NATIONAL OFFICE: 2421 West Pratt Boulevard • Suite 1173 • Chicago, Illinois 60645 • (312) 267-7777

Executive Director - Cynthia S. Kisser

06-C 2105

## BOARD OF DIRECTORS

August 5, 1991

MUR 3354

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Washington, D.C.

1st Vice President  
Rachel Andres  
Los Angeles, California

2nd Vice President  
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Secretary  
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William E. Svoboda, M.D.  
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## ADVISORY BOARD

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Dominic's Church  
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American Jewish Committee  
New York City, New York

Margaret Thaler Singer, Ph.D.  
Professor of Psychology  
University of California, Berkeley

Juanita and Al Turner  
Founding Members  
Warwick, Rhode Island

Cult Awareness Network  
(Formerly Citizens Freedom Foundation) is  
an authorized tax exempt corporation under  
Internal Revenue Code Section 501(c) (3).

Lawrence M. Noble  
General Counsel  
Federal Elections Commission  
Washington, D.C. 20463

Dear Mr. Noble:

This letter is a response to your July 18 letter to the Cult Awareness Network (CAN) requesting a reply to the July 10, 1991 complaint by Bruce M. Director that CAN may have violated the Federal Election Campaign Act of 1971, as amended ("the Act").

CAN has never made any contributions to any candidates for federal office, any authorized or unauthorized political committees acting on behalf of a candidate or candidates for federal office, or any connected organizations seeking to influence a Federal election, nor to any individual who is or has been an agent for a candidate or candidates for federal office, for an authorized or unauthorized political committee, or for a connected organization.

Mr. Director's written complaint to the Federal Election Commission cites a mass mailing which Delegate John Overington of the West Virginia Legislature coordinated with CAN as the basis of his complaint.

To my knowledge Mr. Overington is not now, has never been, and has no intentions at this time of running as a candidate for federal office. Nor is he an agent for any authorized or unauthorized political committees or for any connected organizations seeking to influence a Federal election.

CAN did in fact supply Mr. Overington with a quantity of brochures about CAN's work, labeled Exhibit B by Mr. Director. An original copy of this Exhibit B is enclosed. Exhibit B nowhere clearly identifies any individual as a candidate in a federal election, nor does it have as its intent the influencing of any election for Federal office. CAN's purpose is making the brochure available to the public is to provide

91 AUG -7 AM 10: 04  
91 AUG -7 AM 11: 09  
FEDERAL ELECTION COMMISSION  
FEDERAL ELECTION COMMISSION

Page 2

support and information to the elderly and others exploited and victimized by the LaRouche organization.

Additionally CAN, upon receiving a receipt from Mr. Overington which had been issued by the U.S. Postal Service for him for the exact cost of postage in mailing these brochures to the public, did reimburse Mr. Overington for the exact out-of-pocket cost of this mailing.

CAN views the complaint by Mr. Director as frivolous and without basis, and as an attempt to manipulate a government agency, supported by taxpayer money, into harassing an organization for his own personal reasons or for other individuals or organizations for which he serves as an agent.

Should you need any additional information from our offices to resolve this matter to your satisfaction, please contact us and I will be happy to supply such information to you.

Sincerely,



Cynthia S. Kissner  
Executive Director

CSK/ah

Enc.

91040374743

## WHAT IS A DESTRUCTIVE CULT?

A destructive cult is a group of individuals dominated by a charismatic leadership that unscrupulously recruits unwitting followers through the use of sham promises, false affection, and other deceptive thought reform and mind control techniques.

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Support Group  
(708) 382-9128**

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**can** cult  
awareness  
network

2421 West Pratt Blvd., Suite 1173  
Chicago, Illinois 60645



## WHO IS LYNDON LAROUCHE?

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Over 20 LaRouche operatives--victims in their own right--have been convicted of crimes ranging from fraud to obstruction of justice, and many are in prison.

These followers are artfully targeted and recruited, then subjected to mind control and sophisticated brainwashing techniques. The LaRouche teachings are drilled into the minds of new recruits, and their personal system of beliefs are replaced with a distorted view of the world according to Lyndon LaRouche.

While in the group, LaRouche devotees claim they are willing participants. But like most former members of destructive cults, they reveal how they were duped into holding beliefs and committing acts of deception and violence. Often, they describe their lives in cult as a nightmare, and express deep remorse over their illegal and unethical activities while in the group.

## A FEW LAROUCHE GROUPS:

- Constitutional Defense Fund*
- Eastern States Distributors, Inc.*
- Caucus Distributors, Inc.*
- The Schiller Institute*
- Executive Intelligence Review*
- Hamilton Distributors, Inc.*

RECEIVED  
F.E.C.  
SECRETARIAT

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

**SENSITIVE**

**FIRST GENERAL COUNSEL'S REPORT**

MUR: 3354  
DATE COMPLAINT RECEIVED  
BY OGC: 07-16-91  
DATE OF NOTIFICATION TO  
RESPONDENTS: 07-18-91  
STAFF MEMBER: MARY ANN BUMGARNER

**COMPLAINANT:** Bruce M. Director

**RESPONDENTS:** John Overington  
Cult Awareness Network ("CAN")

**RELEVANT STATUTES:** 2 U.S.C. § 431(4)(A)  
2 U.S.C. § 433  
2 U.S.C. § 434  
2 U.S.C. § 441b

**INTERNAL REPORTS CHECKED:** None

**FEDERAL AGENCIES CHECKED:** None

**I. GENERATION OF MATTER**

The Commission received a complaint from Bruce M. Director alleging that John Overington and the Cult Awareness Network ("CAN") violated the Federal Election Campaign Act of 1971, as amended (the "Act"). Attachment 1.

Complainant asserts that John Overington, a member of the West Virginia House of Delegates, sent a letter and a brochure provided by the Cult Awareness Network (Attachment 1 at 3-5) to various state legislatures, members of Congress, the news media and other recipients. According to complainant, both the letter and brochure contained "malicious lies about Lyndon H. LaRouche." In addition, complainant states that on

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June 19, 1991, the Loudoun Times-Mirror published a letter to the editor from Mr. Overington, which was substantially similar to the one circulated to the state legislators. Attachment 1 at 6.

This Office notified Mr. Overington and the Cult Awareness Network of the complaint in this matter. Responses have been received from both respondents.

II. FACTUAL AND LEGAL ANALYSIS

A. Complaint

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According to complainant, Lyndon H. LaRouche, Jr. is a declared candidate for the Democratic Party nomination for President of the United States in the 1992 election cycle.<sup>1</sup> Complainant states that the letters and brochure sent by Mr. Overington in this matter are clearly intended to have a negative effect on Mr. LaRouche's election campaign. Complainant further states that in addition to defaming Mr. LaRouche in the middle of an electoral campaign, the brochure states that Mr. LaRouche is a threat because of " '... his incursions into the legitimate political arena.' " Moreover, complainant argues that by targeting state legislators and the news media, Mr. Overington has attempted to reach the broadest possible political base, in that such recipients are persons of considerable influence in this domain.

Based on the foregoing, complainant asserts that "to the

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1. Mr. LaRouche's statement of candidacy was filed with the Commission on January 23, 1991.

best of my knowledge" Mr. Overington is not a political committee and has not reported any of the costs associated with this mailing, consisting of the letter and brochure, to the Commission as independent expenditures. Complainant further asserts that if these costs exceed \$1,000, they would not only be unreported expenditures, but "Mr. Overington and/or other contributors to this effort" would constitute an unregistered political committee.

Complainant further alleges certain violations of the Act by CAN considering their tax-exempt status under the Internal Revenue Code and the expenditures made by CAN in the production and circulation of the brochure at issue. According to complainant, CAN's participation in this matter results in illegal corporate contributions, unreported campaign contributions and/or expenditures, nonregistration as a political committee if the expenditures made were in excess of \$1,000, and a violation of CAN's tax-exempt status.

B. Responses

In the response from John Overington to the complaint in this matter, Mr. Overington states that his "Dear Fellow Legislator" letter neither endorses nor opposes the candidacy of Lyndon LaRouche. In fact, he states that the letter does not even acknowledge or comment on Mr. LaRouche's current candidacy for President.<sup>2</sup> Instead, Mr. Overington states that

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2. As discussed supra, the letter to the editor from Mr. Overington is substantially similar to the "Dear Fellow Legislator" letter.

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his letter simply points out his family's "tragic experience with the LaRouche organization." According to Mr. Overington, the Lyndon LaRouche group acquired Mr. Overington's 83-year old mother's life savings of \$741,000. According to the letters, the LaRouche group used late-night visits, high-pressure tactics and deception in order to get Mrs. Overington's life savings, as well as the savings of many other individuals. As Mr. Overington states, his letter suggests possible legislation to prevent the type of action that occurred to his mother. Further, he states that the letter focuses on "proposals to protect the elderly from being ripped off by late night solicitation, reporting of donations and a waiting period." In his response, Mr. Overington also refers to the Cult Awareness Network and states it is a resource that victims may want to turn to for more information.

In his response, Mr. Overington also makes the observation that all candidates who run for office are subject to public scrutiny by their running for office. At the same time, Mr. Overington adds, "the public has the right to express their views and relate their experiences about these candidates under their "first amendment rights."

In the response received from Cynthia S. Kisser, Executive Director of the Cult Awareness Network, Ms. Kisser simply states that CAN has "never made any contributions to any candidates for federal office, any authorized or unauthorized political committees acting on behalf of a candidate for federal office, or any connected organizations seeking to

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influence a Federal election, nor to any individual who is or has been an agent for a candidate or candidates for federal office, for an authorized or unauthorized political committee, or for a connected organization." Ms. Kisser also points out that to her knowledge, Mr. Overington is not now, has never been, and has no intentions at this time of running as a candidate for Federal office. In addition, she states that Mr. Overington is not an agent for any authorized or unauthorized political committees or for any connected organizations seeking to influence a Federal election.

According to Ms. Kisser, Mr. Overington coordinated a mass mailing with CAN for which CAN supplied the brochure attached to the complaint. Ms. Kisser further states that this brochure in no place clearly identifies any individual as a candidate in a Federal election, nor does it have as its intent the purpose of influencing an election for Federal office. Ms. Kisser states that CAN's purpose in making this brochure available to the public is to provide support and information to the elderly and others exploited and victimized by the LaRouche organization. Ms. Kisser adds that CAN reimbursed Mr. Overington for the "exact out-of-pocket cost of this mailing."

Lastly, Ms. Kisser states that CAN views this complaint by Mr. Director as "frivolous and without basis." According to Ms. Kisser, this complaint is an attempt to manipulate a government agency, supported by taxpayer money, into harassing an organization for the benefit of Mr. Director or for other

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individuals or organizations for which he serves as an agent.

**C. Legal Analysis**

Pursuant to 2 U.S.C. § 433, a political committee must file a statement of organization within ten days after becoming a political committee within the meaning of 2 U.S.C. § 431(4). The treasurer of the political committee must also begin filing periodic reports of the committee's receipts and disbursements on behalf of the committee. See 2 U.S.C. § 434(a). For the purposes of the Act, the term "political committee" is defined to mean any committee, club, association, or other group of persons, including a corporation, which receives contributions aggregating in excess of \$1,000 or makes expenditures in excess of \$1,000 during a calendar year. 2 U.S.C. §§ 431(4) and 431(11). The term "contribution" is generally defined by the Act to include any gift, subscription, loan, advance, or deposit of money or anything of value for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(8)(a)(i). Similarly, the term "expenditure" includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. § 431(9)(A)(i).

Pursuant to 2 U.S.C. § 441b(a), it is unlawful for a corporation to make a contribution or expenditure in connection with any election for Federal office. For purposes of this section, a "contribution or expenditure" includes any direct or indirect payment, distribution, loan, advance, deposit, or gift

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of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election to Federal office. 2 U.S.C. § 441b(b)(2).

As the foregoing discussion demonstrates, the critical question with regard to the alleged violations by complainant is whether the mailings by Mr. Overington and the brochure by the Cult Awareness Network constituted a "contribution" or "expenditure" within the meaning of the Act. If these activities were neither "for the purpose of influencing," nor "in connection with," a Federal election, no violations of the Act's registration, reporting, or prohibitions and limitations occurred. Although neither "the Act" nor the Commission's regulations define these phrases, prior enforcement and advisory opinions, as well as case law, provide a working definition for those terms.

In 1974, the United States Court of Appeals for the Third Circuit held that in order for a contribution or expenditure to be considered as having been made in connection with a federal election, "a nexus must be established between the alleged contribution or expenditure and the federal election in question." Miller v. AT&T, 507 F.2d 759, 764 (3rd Cir. 1974). In determining whether such a "nexus" exists, the Commission has considered such factors as whether the communication expressly advocated the nomination, election or defeat of a candidate, whether a communication solicited contributions to the candidate or candidate's campaign, the content of the communication (even

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if it does not constitute express advocacy), the timing of the communication and the circumstances under which it occurred. See generally Advisory Opinions 1990-5, 1989-28, 1988-22, 1987-7 and 1983-12.

In the letters from Mr. Overington attached to the complaint, there is clearly no solicitation of contributions for any Federal candidate. As pointed out by Mr. Overington in his response, his letters neither endorse nor oppose the candidacy of Mr. LaRouche. In fact, the letters do not even acknowledge or comment upon Mr. LaRouche's candidacy for the presidency. Thus, it also does not appear that these letters expressly advocate the nomination, election or defeat of any Federal candidate, specifically Mr. LaRouche. According to the letters, the circumstances under which these letters were sent was a "personal tragedy" that happened to Mr. Overington's family in connection with the "Lyndon LaRouche group."

In addition, the CAN brochure sent by Mr. Overington does not solicit contributions for any Federal candidate, nor does it appear to expressly advocate the nomination, election or defeat of any candidate. As with the letters, the brochure does not even acknowledge that Mr. LaRouche is a candidate for the presidency. Further, as stated in CAN's response, the purpose of this brochure is to "provide support and information to the elderly and others exploited and victimized by the LaRouche organization."

Based on the foregoing, it does not appear that the expenditures for these communications were "for the purpose

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of influencing" or "in connection with" a federal election. Absent such a designation, it is the view of this Office that Mr. Overington and CAN do not come within the purview of the Act. Therefore, this Office recommends that the Commission find no reason to believe that John Overington and the Cult Awareness Network violated the Act, and that the file in this matter be closed.

**III. RECOMMENDATIONS**

1. Find no reason to believe that John Overington and the Cult Awareness Network violated the Federal Election Campaign Act of 1971, as amended, on the basis of the complaint filed in MUR 3354.
2. Approve the appropriate letters.
3. Close the file.

Lawrence M. Noble  
General Counsel

Date 10/18/91

BY:   
Lois G. Lerner  
Associate General Counsel

Attachments

1. Complaint
2. Response of Mr. Overington
3. Response of the Cult Awareness Network

Staff Assigned: Mary Ann Bumgarner

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
John Overington; )  
Cult Awareness Network ("CAN"). ) MUR 3354

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 23, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 3354:

1. Find no reason to believe that John Overington and the Cult Awareness Network violated the Federal Election Campaign Act of 1971, as amended, on the basis of the compliant filed in MUR 3354.
2. Approve the appropriate letters, as recommended in the General Counsel's Report dated October 18, 1991.
3. Close the file.

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

Attest:

10-23-91  
Date

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

Received in the Secretariat: Mon., Oct. 21, 1991 11:55 a.m.  
Circulated to the Commission: Mon., Oct. 21, 1991 4:00 p.m.  
Deadline for vote: Wed., Oct. 23, 1991 4:00 p.m.

dr

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 4, 1991

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Bruce M. Director  
318 Rock Spring  
Leesburg, VA 22075

RE: MUR 3354

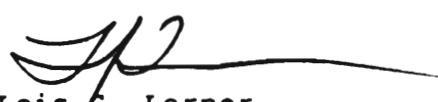
Dear Mr. Director:

On October 23, 1991, the Federal Election Commission reviewed the allegations of your complaint dated July 10, 1991, and found that on the basis of the information provided in your complaint, and information provided by Respondents, there is no reason to believe that John Overington or the Cult Awareness Network violated any provision of the Federal Election Campaign Act of 1971, as amended (the "Act"). Accordingly, on October 23, 1991, the Commission closed the file in this matter.

The Federal Election Campaign Act of 1971, as amended allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble  
General Counsel

  
BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 4, 1991

Cynthia S. Kisser, Executive Director  
Cult Awareness Network ("CAN")  
2421 West Pratt Blvd.  
Suite 1173  
Chicago, Illinois 60645

RE: MUR 3354  
Cult Awareness Network

Dear Ms. Kisser:

On July 18, 1991, the Federal Election Commission notified the Cult Awareness Network of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On October 23, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe the Cult Awareness Network violated the Act. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 4, 1991

Mr. John Overington  
220 Hoffman Road  
Martinsburg, WV 25401

RE: MUR 3354  
John Overington

Dear Mr. Overington:

On July 18, 1991, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act").

On October 23, 1991, the Commission found, on the basis of the information in the complaint, and information provided by you, that there is no reason to believe you violated the Act. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

Enclosure  
First General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 3354

DATE FILMED 11/8/91 CAMERA NO. 2

CAMERAMAN AS

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