



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 536

78040013557





FEDERAL ELECTION COMMISSION

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

April 27, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William E. Brock III  
Chairman  
Republican National Committee  
310 First Street, S.E.  
Washington, D.C. 20003

Re: MUR 536 (78)

Dear Mr. Brock:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission opened MUR 536 to consider the possibility that the Republican National Committee had violated 2 U.S.C. §438(a)(4) in connection with the RNC PAC Division's use of information on political action committees copied from public records on file at the Commission.

On April 24, 1978, the Commission found no reason to believe the Republican National Committee violated 2 U.S.C. §438(a)(4) in connection with such records. Accordingly the Commission has closed the file on this matter.

A copy of the General Counsel's report and the Commission's certification in this matter are enclosed for your information.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at 523-4001.

Sincerely yours,

William C. Oldaker  
General Counsel

cc: Mr. Charles McManus

Charles N. Steele  
Associate General Counsel



78040013559

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William S. Brock III  
Chairman  
Republican National Committee  
110 First Street, S.W.  
Washington, D.C. 20003

Re: NOB 536 (78)

Dear Mr. Brock:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission opened NOB 536 to consider the possibility that the Republican National Committee had violated 2 U.S.C. §438(a)(4) in connection with the NYC PAC Division's use of information on political action committees copied from public records on file at the Commission.

On 10/11/78, the Commission found no reason to believe the Republican National Committee violated 2 U.S.C. §438(a)(4) in connection with such records. Accordingly, the Commission has closed the file on this matter.

A copy of the General Counsel's report and the Commission's certification in this matter are enclosed for your information.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at 525-4001.

Sincerely yours,

  
William C. Oldaker  
General Counsel

cc: Mr. Charles McManus

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Republican National Committee )

MUR 536 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 24, 1978, the Commission approved without objection the recommendations in the First General Counsel's Report dated April 20, 1978, in the above-captioned matter as follows:

1. Find no reason to believe the Republican National Committee violated 2 U.S.C. §438(a)(4) in connection with its copying of public records relating to political action committees.
2. Close the file.
3. Send the letter attached to the First General Counsel's Report.

Date: 4-25-78

*Marjorie W. Emmons*

Marjorie W. Emmons  
Secretary to the Commission

Report dated: 4-20-78  
Received in Office of Commission Secretary: 4-20-78, 3:48  
Circulated on 24 hour no-objection basis: 4-21-78, 11:00

78040043560



FEDERAL ELECTION COMMISSION

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

APRIL 24, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE EMMONS *MW*  
RE: GENERAL COUNSEL REPORTS ON COMPLIANCE MATTERS

At 11:00 a.m. on Friday, April 21, 1978, the Office of the Commission Secretary circulated the General Counsel's Reports on the following MURS to the Commission:

MUR 495

MUR 553

MUR 536

MUR 527

These documents were circulated on a no-objection basis, and at noon on April 24, 1978, our office has received no objections to the recommendations contained in the above-named reports

78040013561

April 30, 1978

MEMORANDUM TO: Marge Deacon  
FROM: Elissa T. Gatt  
SUBJECT: MUR 536

Please have the attached 7 day report on MUR 536 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

7 6 8 4 0 0 1 3 5 6 2



FEDERAL ELECTION COMMISSION

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

March 31, 1978

MEMORANDUM TO: CHARLES STEELE  
FROM: MARJORIE W. EMMONS *MWE*  
SUBJECT: OBJECTIONS

The following MURs circulated on a 24 hour no-objection basis have received objections from Commissioner Tiernan:

MUR 525 (78) - 1st GC Report dated 3-30-78  
MUR 527 (78) - 1st GC Report dated 3-30-78  
MUR 530 (78) - 1st GC Report dated 3-30-78  
MUR 536 (78) - 1st GC Report dated 3-30-78  
MUR 541 (78) - 1st GC Report dated 3-30-78 re-circulated 3-31-78  
MUR 551 (78) - 1st GC Report dated 3-30-78

These items have been placed on the Executive Session  
Agenda for April 6, 1978

March 30, 1974

MEMORANDUM TO: Marya Eason  
FROM: Elissa T. Carr  
SUBJECT: MUR 536

Please have the attached 7 day report on MUR 536 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

78040011564

E

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL APR 20 1978  
BY OGC TO THE COMMISSION

MUR NO. 536 (78)  
DATE COMPLAINT RECEIVED  
BY OGC  
STAFF  
MEMBER Christian

COMPLAINANT'S NAME: Referred by Public Disclosure Division (See Attachment I).

RESPONDENT'S NAME: Republican National Committee

RELEVANT STATUTE: 2 U.S.C. §438(a)(4)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

This matter arose from information brought to our attention by Kent Cooper, Assistant Staff Director, Public Disclosure Division. On February 21, 1978, Mr. Cooper noticed David Sloan and one other man, both employed by the Republican National Committee ("RNC"), making a comprehensive list of names, addresses and cash on hand of political action committees ("PAC's") from disclosure documents in the Public Records Office. They entered this information on index cards (Attachments II) which provided spaces for entry of various data including contributions, participation, and legislative interest. Mr. Cooper informed Mr. Sloan that 2 U.S.C. §438(a)(4) prohibits the use of information copied from FEC reports to solicit contributions. Mr. Sloan stated that he was aware of the provision and did not think the RNC was violating it. Mr. Cooper referred the matter to the Office of General Counsel for considera-

78040043565

78040013566

tion of the possibility that the RNC was using the information gathered by Mr. Sloan for solicitation purposes in violation of 2 U.S.C. §438(a)(4). (see Attachment I.).

#### LEGAL ANALYSIS

The information available to OGC at this time indicates that the RNC PAC Division uses data copied from FEC reports for general political purposes in conjunction with its PAC Development Program rather than for solicitations. The PAC Division encourages corporations and trade associations to form PACs and assists them in complying with the Act. Information from FEC reports is used for such purposes as finding corporations and trade associations which have not yet formed PACs or which may not be fully utilizing their existing PACs. In addition, the Division publishes a monthly newsletter called PAC Brief in which FEC-derived data is used for such comparisons as labor and corporate PAC support of Federal candidates.

Although by encouraging the creation of corporate and trade association PACs, the RNC may benefit, this does not appear to be the kind of activity 2 U.S.C. §438(a)(4) was designed to prevent. The legislative history of 2 U.S.C. §438(a)(4) shows that the prohibition was intended to prevent the use of information in disclosure documents as the basis for direct solicitations and not to foreclose the use of this information for other, albeit political, purposes. The Office of General Counsel believes that the RNC's use of FEC reports in the manner described above does not appear to violate 2 U.S.C. §438(a)(4).

#### RECOMMENDATION

Find no reason to believe the Republican National Committee violated 2 U.S.C. §438(a)(4) in connection with its copying of public records relating to political action committees. Close the file. Send attached letter.



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William E. Brock III  
Chairman  
Republican National Committee  
310 First Street, S.E.  
Washington, D.C. 20003

Re: MUR 536 (78)

Dear Mr. Brock:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission opened MUR 536 to consider the possibility that the Republican National Committee had violated 2 U.S.C. §438(a)(4) in connection with the RNC PAC Division's use of information on political action committees copied from public records on file at the Commission.

On , 1978, the Commission found no reason to believe the Republican National Committee violated 2 U.S.C. §438(a)(4) in connection with such records. Accordingly the Commission has closed the file on this matter.

A copy of the General Counsel's report and the Commission's certification in this matter are enclosed for your information.

Should you have any questions, please contact Gary Christian, the staff member assigned to this matter, at 523-4001.

Sincerely yours,

William C. Oldaker  
General Counsel

cc: Mr. Charles McManus



78040043568



FEDERAL ELECTION COMMISSION

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

*TO E Saw  
open  
a. MUR*

February 21, 1978

MEMORANDUM

TO: GENERAL COUNSEL  
THROUGH: STAFF DIRECTOR *ABP*  
FROM: KENT COOPER *KC*  
SUBJECT: POSSIBLE VIOLATION OF SEC. 438(a)(4)

This is to notify you that I have just had a brief discussion with David Sloan and one other man in regards to Section 438 (a)(4). These two gentlemen had been working in the Public Records Office for most of this morning. One was going through the FEC alphabetical listing of all political committees, the other was going through the paper copy files of the non-party political committees. Each was filling out the attached blue card on committees. As is our normal practice when it appears someone is making a long list I asked them to step into my office and asked them to read Sec 438(a)(4). They stated they knew of the provision and that they did not think they were acting contrary to it. David Sloan stated that they both were working with the RNC and that they were writing down addresses and finding out which committees had large amounts of cash on hand. I did not indicate an opinion as to whether or not their actions were contrary to the Act but simply asked them to study that Section and make sure their superiors knew of the provision.

I encourage the General Counsel's Office to make further inquiries into this possible violation. My initial reaction is that they are adding to their card files information which could be passed on to candidates who may be looking for PACS to contact for contributions.



78040013560

7804004352

# RN/PAC

## Changes

_____	_____
_____	_____
_____	_____

Phone \_\_\_\_\_

Sponsor \_\_\_\_\_

Hdq. \_\_\_\_\_

## Officers

## Title

## Changes

_____	_____	_____
_____	_____	_____
_____	_____	_____

## Local Contact

## Phone

_____	_____
_____	_____

## Legislative Interest

\_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**Participation**

Date	Function	Comments
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Contributions**

Date	Function	Comments	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

78040043571



FEDERAL ELECTION COMMISSION

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

*TO Egan  
open  
a. Mur*

February 21, 1978

MEMORANDUM

TO: GENERAL COUNSEL  
THROUGH: STAFF DIRECTOR *AP*  
FROM: KENT COOPER *KC*  
SUBJECT: POSSIBLE VIOLATION OF SEC. 438(a)(4)

78040013572

This is to notify you that I have just had a brief discussion with David Sloan and one other man in regards to Section 438 (a)(4). These two gentlemen had been working in the Public Records Office for most of this morning. One was going through the FEC alphabetical listing of all political committees, the other was going through the paper copy files of the non-party political committees. Each was filling out the attached blue card on committees. As is our normal practice when it appears someone is making a long list I asked them to step into my office and asked them to read Sec 438(a)(4). They stated they knew of the provision and that they did not think they were acting contrary to it. David Sloan stated that they both were working with the RNC and that they were writing down addresses and finding out which committees had large amounts of cash on hand. I did not indicate an opinion as to whether or not their actions were contrary to the Act but simply asked them to study that Section and make sure their superiors knew of the provision.

I encourage the General Counsel's Office to make further inquiries into this possible violation. My initial reaction is that they are adding to their card files information which could be passed on to candidates who may be looking for PACS to contact for contributions.





FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 536

78040043573

