



FEDERAL ELECTION COMMISSION

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

December 19, 1975

Ms. Barbara Feuchter
510 N. W. 11th Avenue
Boca Raton, Florida 33432

Dear Ms. Feuchter:

This is to acknowledge receipt of your letter of November 12, 1975 concerning the solicitation of funds for The Conservative Caucus by Governor Meldrim Thomson, Jr. and inquiring whether the use of his office for such solicitation is covered by the provisions of the Federal Election Campaign Act of 1971, as amended.

We have reviewed the information attached to your letter and have concluded that the matter is not within the jurisdiction of the Federal Election Commission. We are, therefore, returning your letter and its attachments herewith and suggest that you may wish to pursue this matter with appropriate state or local authorities.

Thank you for calling this matter to our attention. If we can be of any further assistance to you, please do not hesitate to contact us.

Sincerely yours,

Gordon Andrew McKay
Gordon Andrew McKay
Assistant Staff Director for
Disclosure and Compliance

77040012504



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OFFICE OF GENERAL COUNSEL

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November 12, 1975
510 N.W. 11th Ave.
Boca Raton, Florida 33432

Federal Election Commission
Washington, D.C.

Dear Sirs;

Recently I received the enclosed and would like to have you investigate my complaint concerning Governor Meldria Thomson, Jr.

I have enclosed a copy of my letter to the Governor and would like to know if it is legal for the governor of any state to use his office in this manner?

I will await a reply.

Respectfully,

Barbara Feuchter

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Copy -
Original to
Governor Thompson

November 12, 1975
510 N.W. 11 Avenue
Boca Raton, Florida 33432

The Honorable Governor Meldrim Thompson, Jr.
State of New Hampshire
Concord, N.H. 03301

I am sorry to report that your scandalous letter reached me recently urging me to join The Conservative Caucus, Inc. Not only do I object to the radical tone of the letter, the lies contained and implied, the slur to liberal, progressive law-abiding citizens like myself, but, more importantly, to remind you that your action on the part of the Conservative Caucus is unethical because the Governor of any state must represent all his constituents; liberal, conservative, and independent.

Further, in using the seal and office of Governor has brought shame to that great state because it reveals that the leader of that state is partisan, unobjective, and biased.

I am sending a copy of this complaint and your request on to the Federal Election Commission.

Respectfully,



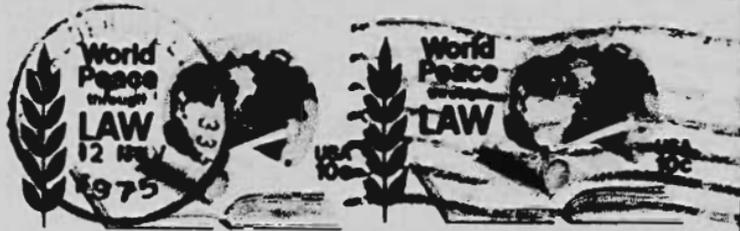
Barbara Feuchter

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77040012506

B. Feuchter
510 N. 511th Ave
Deer River, Florida 33432

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Federal Election Commission
Washington, D. C.

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STATE OF NEW HAMPSHIRE

CONCORD, N.H. 03301

MELDRIM THOMSON, JR.
GOVERNOR

Dear Friend;

I want to give you a free book!

Later in my letter I'll tell you how to get it, but first I want to ask you:

Are you as sick and tired as I am of liberal politicians who:

force children to be bused?

Children have always been bused to school -

appoint judges who turn murderers and rapists loose on the public?

Lies

force your children to study from school books that are anti-God, anti-American and filled with the most vulgar curse words?

Children must learn discretion through all literature

give your money to communists, anarchists and other radical organizations?

Lies

do nothing about sex, adultery, homosexuality and foul language on TV?

J.V. is not controlled by politicians, thank God

And are you tired of feeling no power to change things?

Radical

If so, why don't you join The Conservative Caucus?

I have several things I want to discuss with you, but before I get to them, I want to tell you about the FREE book I want you to have.

Bill Rusher has written an excellent new book about the case for a new majority political party. Howard and I think it is such an important book that we are willing to mail a free copy to you if you'll let me know you want one.

Just check the red line on the enclosed blue form and mail it to me today. Shortly after I hear from you, your book will be mailed to you.

Recently I met with Howard Phillips, the National Director of The

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Not Prepared or Mailed at Taxpayer Expense

If required, a copy of our report will be filed with the Federal Election Commission and available for purchase from the Federal Election Commission, Washington, D. C.

Conservative Caucus.

He went into great detail with me about why he feels the conservatives have lost so many battles in Washington lately.

He feels, and I strongly agree, that the conservatives have been spending most of their energies and resources in the very place where we are the weakest — Washington, D.C..

The conservative strength lies in the places where people live, back in the home town.

Now as a result of our talk, I made Howard this personal pledge:

1. That I would serve as National Chairman of The Conservative Caucus;
2. That I would give up evenings and weekends with my family to travel and speak on behalf of the conservative cause, from one end of this country to the other;
3. That I would make a personal financial contribution to The Conservative Caucus; and
4. That I would write to you and other concerned citizens, to convince you of the need for you to join The Conservative Caucus.

I hope you will forgive me if I seem too forward, but I would also like to suggest a few things for you to consider doing. It would be most encouraging if you would do all of them.

First. Join The Conservative Caucus.

Second. Send as generous a contribution today as you feel you can afford.

Third. Send for your FREE book.

I think it is important to have your support for an important new movement to help average, law-abiding, taxpaying Americans regain control of their schools, their communities and their government. For 42 years we have been giving up freedom to "we know what's best for you" liberal bureaucrats and social planners in Washington.

I'm sure you get lots of mail, as I do, asking for your help. But believe me, this letter is truly important. So I'd like to take just a few minutes of you time to discuss the plans of The Conservative Caucus and describe its importance to you.

The cornerstone of The Conservative Caucus strategy is, as I men-

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tioned earlier, the recognition that conservatives have been spending most of their energies and resources in the very place where we are weakest -- bureaucratic Washington, D.C..

In Washington, the voice of the people is increasingly drowned out by powerful special interest, left wing lobbies -- many of them subsidized by your tax money from agencies like OEO and HEW.

If we limit ourselves to fighting battles on liberalism's strongest ground we will keep losing. We must go on the offensive, fighting the liberals at times and places of our choosing.

We can best give strength to the conservative voice in Washington by organizing our strength in the places where conservative influence is greatest -- at the grass roots level, in the communities where we live and work, all over America.

The Conservative Caucus has a very simple goal: To organize conservative strength at the grass roots level -- in the districts and precincts where elections are held, where politicians can not ignore the people.

We will have state coordinators in each of the 50 states. And a director in each Congressional district.

The local directors will form a Conservative Caucus in a Congressional district just as soon as we have 100 members in that district.

We will have a national convention in 1976. And, if it appears that neither major political party intends to offer a Presidential ticket committed to freeing America from the control of the socialists, the delegates may decide to propose and endorse their own candidates for President and Vice President in 1976.

After you join The Conservative Caucus, you will receive periodic membership reports, keeping you informed of our organizational progress and furnishing you important background information on critical national issues.

Once a caucus is organized in your area, there will be opportunities to learn more about election laws and political party rules, campaign techniques and national issues. Prominent conservatives will be sought to address Caucus meetings.

The existence of a Caucus will make it easier to elect conservatives to public and party office, and to keep them conservative after they're chosen.

I've told you about my personal commitment to the success of The Conservative Caucus and described some of the plans of The Caucus to you. I've also suggested a few things I hope you will do to help.

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Time is running out for our country. If good people, like you, who understand the problem, won't do something to solve it, people who want to completely socialize America will win by default.

Will you join me in launching this great crusade to gain control of our government from radical politicians and bureaucrats, and restore it to its rightful owners, the citizens of the United States.

None of our plans, our hopes, our dreams can be fulfilled, unless our friends join with us in helping to finance this important project.

My first contribution was for \$50.00. As time goes on I intend to send additional contributions. Some people can afford much more than \$50.00. If you can, I urge you, please, to send it.

However, I am aware that many of the people whose help we need, can only send \$5 or \$10 or \$25.

Please think about it carefully and make a special effort to send \$5 or \$10 or even \$20 more than you normally might.

I'm not asking you to do anything that I'm not going to do. You need only take a few minutes to sign up as a member of The Caucus, send a contribution and send for your free book. I'm not asking you to travel about the country, giving up your family time, as I will, to spread the conservative message.

But, please do send an extra generous contribution today. It will help so very much.

We have asked the First National Bank of Washington to process all the contributions sent to The Conservative Caucus. When you mail your check in the enclosed envelope, the bank will deposit it to The Conservative Caucus' bank account. The bank will then forward your envelope to our National Headquarters in Virginia after they have deposited the money.

I hope you will have the time to reply soon, as I am eagerly looking forward to your answer.

Sincerely,

Meldrim Thomson, Jr.
Meldrim Thomson, Jr.
Governor of New Hampshire

P.S. In order to save on mailing costs, I have enclosed your membership card for The Conservative Caucus. I am very anxious to have you as a member, and you will be listed as a member as soon as your contribution is received and recorded. If for any reason you can't accept my invitation, you may return the card to me. Thank you very much.

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FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

January 8, 1978

Charles J. Fridtall, Secretary
Clifford Allen for Congress Committee
212 25th Avenue, North
Nashville, Tennessee 37203

Dear Mr. Fridtall:

This letter is in response to your request for an opinion of counsel with respect to various provisions of the Federal Election Campaign Act of 1971, as amended (the Act). Your letter was referred to me as the matters alleged therein were in the nature of a complaint. Generally, questions relating to a third party's activities are not considered a proper subject for an opinion of counsel and the General Counsel, as a matter of policy has declined to issue opinions under these circumstances. I shall take this opportunity to respond to each matter you raise in an effort to assist you in evaluating any further action you may wish to take.

The issue you raise with reference to a possible violation of the provisions of 18 U.S.C. §612 cannot be assessed by the Commission. This section of Title 18 is not within the jurisdiction of the Commission. See 2 U.S.C. §4376(a)(8) and 4376(a)(7); AO 1975-67 (40 FR 52795, Nov. 12, 1975). You may wish to consult the Department of Justice regarding this matter or the appropriate United States Attorney's office. In light of the fact that the Commission does not have jurisdiction over this section, we would decline to comment on the prescription question you raise in this connection.

You allege that a brochure distributed by the Olson Committee contained misrepresentations of Congressman Allen's position on issues in the campaign and ask whether these circumstances would constitute a violation of 18 U.S.C. §417.

GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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No occasion has arisen for the Commission to interpret §617, however, this section appears to apply only to a situation in which a misrepresentation of campaign authority occurs, rather than to an inaccurate statement of an opposing candidate's position on a campaign issue.

Your further question regarding the brochure and whether the notice contained in 2 U.S.C. §432(a) should have appeared therein has been considered by the Commission. Section 103.6 of the proposed disclosure regulations, which were recently sent to Congress for review, exempt political party organizations from the provisions of §432(a) when they are making an expenditure pursuant to 18 U.S.C. §608(f). In view of the Commission's interpretation of §432(a), it is doubtful that an apparent violation has occurred in this connection.

The Commission has before it two opinion of counsel requests dealing with Federal preemption of state election campaign laws. In view of your interest, I will have copies of these opinions sent to you when they are released.

We sincerely hope that this response will offer you some assistance and guidance in assessing how to proceed. We recognize your concerns regarding the fair administration of the election laws. We appreciate your consulting us and invite you to contact us if you need further assistance.

Sincerely yours,

Stephen Schachman
Assistant General Counsel

Enclosure: AO 1975-67

CSulten:mpc:1/8/76

cc: Drew McKay
Brad Litchfield

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FEDERAL ELECTION COMMISSION

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

December 19, 1975

TERMINATION REPORT

MATTER UNDER REVIEW

MUR #0005

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Allegation:

Posters, supporting Bob Olsen for Congress, bearing no information as to who was responsible for their preparation or distribution appeared in Olsen's district prior to a general election in November, 1975. In addition, a campaign brochure purporting to represent the positions of Olsen and his opponent Allen on five issues contained statements attributed to Allen which were out of context and non-existent.

Report:

The "Clifford Allen for Congress Committee" which brought the allegations to our attention asked specifically for an Opinion of Counsel, stating, "we believe that the more proper way to proceed with respect to certain circumstances that have arisen during the campaign...is to request this 'Opinion of Counsel' rather than requesting a formal Advisory Opinion or filing a formal complaint with the Federal Election Commission...". There might be a violation of 18 U.S.C. 612 in regard to the posters in question, however we would have to see them in order to prove it. It does not appear that the alleged misrepresentations of statements by Allen violates 18 U.S.C. 617, as claimed by the Clifford Allen for Congress Committee, and the brochure makes no solicitation for funds and therefore does not violate 2 U.S.C. 432(e).

Recommendation:

The matter has been transferred to the Office of General Counsel and they have agreed to offer an Opinion of Counsel. It is recommended that the Matter Under Review be closed.



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December 16, 1975

Mr. Charles J. Friddell
Secretary
Clifford Allen for Congress Committee
212 Twenty-Fifth Avenue, North
Nashville, Tennessee 37202

Dear Mr. Friddell:

I wish to acknowledge receipt of your letter of November 26, 1975, requesting the views of the Federal Election Commission concerning provisions of the Federal Election Campaign Act of 1971, as amended. The inquiry is under consideration and we will be back in contact with you in the near future.

The Commission faces a significant backlog of similar communications, however, we are making every effort to assure that responses are produced at the earliest possible time.

Sincerely yours,

Stephen Schackman
Assistant General Counsel

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cc: SS
GS
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