FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 920

Date Filmed 11/16/79 Camera No. --- 2

Cameraman BRC

7904016305

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

RE: MUR 920

Dear Mr. Mott:

On October 22, 1979, the Commission accepted the conciliation agreement signed by you and the civil penalty required as settlement of a violation of 2 U.S.C. § 441a(a)(3). Accordingly, the file has been closed in this matter.

Enclosed you will find a fully executed copy of the conciliation agreement for your files.

Sincerely,

Charles N. Steele
Acting General Counsel

Enclosure
Conciliation Agreement

cc: Ms. Karen J. Kessler

7904016306

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stewart Rawlings Mott, violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5,

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Stewart Rawlings Mott, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stewart Rawlings Mott and the subject matter of this proceeding;

II. That respondent Stewart Rawlings Mott has had a reasonable opportunity to demonstrate that no action should be taken in this matter;

III. That the pertinent facts in this matter are as follows:

A. Stewart Rawlings Mott made contributions to federal candidates during calendar year 1978 as follows:

7904016307

1. As shown on the Commission's "G-Index" --

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
C.	Committee for Tim Wirth	900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
I.	Martin Frost Campaign Committee	250
J.	Stofferahan for U.S. Senate	500
K.	Baucus '78 Committee	1,000
L.	Bob Eckhardt Camp. Fund	150
M.	Brooke Committee	500
N.	Committee to Reelect Senator Hathaway	1,000
O.	Dick Clark for U.S. Senate (General)	1,000
P.	Dr. Bill Roy for Senator Comm.	1,000
Q.	Helen S. Meyner Campaign	450
R.	Norma Bartle for Congress	300
S.	Pattison '78 Committee	900
T.	People for Haskell (General)	1,000
U.	Udall Election Committee	150
V.	People for Haskell (Primary)	1,000
W.	Kostmayer for Congress	250
X.	Levin for Senate	1,000
Y.	Ravenel for Senate Committee (General)	500
Z.	Wolpe for Congress	450
AA.	Bill Bradley for U.S. Senate	500
BB.	Virginia Shapard for Congress	450
CC.	Carter Burden for Congress	450
DD.	Duval for Senate Committee	500
EE.	Senator Anderson Vol. Comm.	500
FF.	Friends of Luther Hodges, Jr.	1,000
GG.	Ravenel for Senate Committee (Primary)	1,000
HH.	David Pryor for U.S. Senate	500
II.	Dick Clark for U.S. Senate (Primary)	500
JJ.	Hemenway for Congress	500
KK.	Norma Bork for Congress	200
LL.	Abner J. Mikva for Congress	900
MM.	Fraser Senate Committee	500
NN.	Carr for Congress Committee	250
	TOTAL	$22,850

7904016308

2. As Verified by Checking Candidates/ Committee Reports:

A. The Christie Committee (Senate-Texas)	$1,000
B. Keys for Congress Committee	450
C. Camp. to Elect Geraldine A. Ferraro	450
TOTAL	$1,900

3. $100 Contributions to House candidates as disclosed by Mr. Mott $1,700

TOTAL MOTT 1978 CONTRIBUTIONS $26,450

B. Stewart Rawlings Mott made a contribution in the amount of $1,000 to the Democratic Study Group in May, 1977 (check #654). This check was lost or misplaced and was replaced by check #1014, dated December 30, 1977, and mailed to the Democratic Study Group, upon notification of the loss of check #654, on May 19, 1978. Since the May, 1977 check was a written pledge by Mr. Mott, the contribution was made in 1977.

C. Stewart Rawlings Mott made a personal gift of $200 to "Mike Harrington" on August 9, 1978. This gift was not made for the purpose of -

> (A) influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party;

2 U.S.C. §431(e)(1)(A). Neither was this gift "donated for the purpose of supporting the activities of a Federal or State officeholder." 11 C.F.R. §113.1

7904016130 9

Wherefore, the Commission and respondent Stewart Rawlings Mott agree as follows:

I. Respondent Stewart Rawlings Mott's contributions to candidates during calendar year 1978 exceeded FECA's $25,000 annual aggregate contribution limitation in violation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

II. Respondent will pay a civil penalty in the amount of $1,450 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431 et seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

7904061310

III. It is agreed that respondent, Stewart Rawlings Mott shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: 1 Nov 1979

William C. Oldaker for WCO
General Counsel
Federal Election Commission

Date: 10/4/79

Stewart Rawlings Mott
Stewart Rawlings Mott

7904016131

awaiting letter from Rowlin 10-23

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stewart Rawlings Mott)

MUR 920

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on October 22, 1979, the Commission decided by a vote of 4-0 to take the following actions in the above-captioned matter:

1. Accept the Conciliation Agreement, attached to the General Counsel's Memorandum dated October 18, 1979, as full settlement of the matter.

2. Close the file.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, and McGarry.

Attest:

10/23/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of the Commission Secretary: 10-18-79, 10:43
Circulated on 48 hour vote basis: 10-18-79, 4:00

7904016131 2

October 18, 1979

MEMORANDUM TO: Marge Emmons

FROM : Jane Colgrove

SUBJECT: MUR 920

Please have the attached Memo to the Commission on MUR 920 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904061313

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

79 OCT 18 A10: 43

October 18, 1979

MEMORANDUM TO: The Commission

FROM: William C. Oldaker
General Counsel

SUBJECT: MUR 920 Conciliation Agreement

Attached is a Conciliation Agreement which has been signed by Stewart Rawlings Mott. Mr. Mott has also forwarded his check in the amount of $1,450.00 as required by the Conciliation Agreement.

The attached Conciliation Agreement is substantially the same as that approved by the Commission on June 20, 1979 with the following changes made pursuant to additional information supplied by respondent:

(1) A $1,000 contribution to the Democratic Study Group was properly allocable to Mr. Mott's 1977 contribution limitation and thus was deleted;

(2) A $200 check to Mike Harrington was deleted upon Mr. Mott's affirmation that this was a personal gift;

(3) One $450 contribution to Scheuer for Congress was deleted as a duplicate;

(4) The $100 contributions to House candidates were increased to $1,700 to comport with Mr. Mott's list.

See Mott Correspondence attached. These charges made the total 1978 contributions $26,450, $1,450 over FECA's annual aggregate contribution limitation and the civil penalty agreed to and paid by Mr. Mott was this amount.

7904016314

The Office of General Counsel recommends that the Commission accept this Conciliation Agreement as the full settlement of matters considered in MUR 920 and close the file.

Attachments

Conciliation Agreement
Mott Correspondence

7904016135

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stewart Rawlings Mott, violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5,

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Stewart Rawlings Mott, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stewart Rawlings Mott and the subject matter of this proceeding;

II. That respondent Stewart Rawlings Mott has had a reasonable opportunity to demonstrate that no action should be taken in this matter;

III. That the pertinent facts in this matter are as follows:

A. Stewart Rawlings Mott made contributions to federal candidates during calendar year 1978 as follows:

7904016316

1. As shown on the Commission's "G-Index" --

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
C.	Committee for Tim Wirth	900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
I.	Martin Frost Campaign Committee	250
J.	Stofferahan for U.S. Senate	500
K.	Baucus '78 Committee	1,000
L.	Bob Eckhardt Camp. Fund	150
M.	Brooke Committee	500
N.	Committee to Reelect Senator Hathaway	1,000
O.	Dick Clark for U.S. Senate (General)	1,000
P.	Dr. Bill Roy for Senator Comm.	1,000
Q.	Helen S. Meyner Campaign	450
R.	Norma Bartle for Congress	300
S.	Pattison '78 Committee	900
T.	People for Haskell (General)	1,000
U.	Udall Election Committee	150
V.	People for Haskell (Primary)	1,000
W.	Kostmayer for Congress	250
X.	Levin for Senate	1,000
Y.	Ravenel for Senate Committee (General)	500
Z.	Wolpe for Congress	450
AA.	Bill Bradley for U.S. Senate	500
BB.	Virginia Shapard for Congress	450
CC.	Carter Burden for Congress	450
DD.	Duval for Senate Committee	500
EE.	Senator Anderson Vol. Comm.	500
FF.	Friends of Luther Hodges, Jr.	1,000
GG.	Ravenel for Senate Committee (Primary)	1,000
HH.	David Pryor for U.S. Senate	500
II.	Dick Clark for U.S. Senate (Primary)	500
JJ.	Hemenway for Congress	500
KK.	Norma Bork for Congress	200
LL.	Abner J. Mikva for Congress	900
MM.	Fraser Senate Committee	500
NN.	Carr for Congress Committee	250
	TOTAL	$22,850

7904016317

2. As Verified by Checking Candidates/ Committee Reports:

A. The Christie Committee (Senate-Texas)	$1,000
B. Keys for Congress Committee	450
C. Camp. to Elect Geraldine A. Ferraro	450
TOTAL	$1,900

3. $100 Contributions to House candidates as disclosed by Mr. Mott $1,700

TOTAL MOTT 1978 CONTRIBUTIONS $26,450

B. Stewart Rawlings Mott made a contribution in the amount of $1,000 to the Democratic Study Group in May, 1977 (check #654). This check was lost or misplaced and was replaced by check #1014, dated December 30, 1977, and mailed to the Democratic Study Group, upon notification of the loss of check #654, on May 19, 1978. Since the May, 1977 check was a written pledge by Mr. Mott, the contribution was made in 1977.

C. Stewart Rawlings Mott made a personal gift of $200 to "Mike Harrington" on August 9, 1978. This gift was not made for the purpose of -

> (A) influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party;

2 U.S.C. §431(e)(1)(A). Neither was this gift "donated for the purpose of supporting the activities of a Federal or State officeholder." 11 C.F.R. §113.1

7904016318

Wherefore, the Commission and respondent Stewart Rawlings Mott agree as follows:

I. Respondent Stewart Rawlings Mott's contributions to candidates during calendar year 1978 exceeded FECA's $25,000 annual aggregate contribution limitation in violation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

II. Respondent will pay a civil penalty in the amount of $1,450 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431 et seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

79040161319

III. It is agreed that respondent, Stewart Rawlings Mott shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

William C. Oldaker
General Counsel
Federal Election Commission

Date: 10/4/79

Stewart Rawlings Mott
Stewart Rawlings Mott

7904016132 0

7 9 0 4 0 1 6 1 3 2 4

STEWART R. MOTT
515 MADISON AVENUE, SUITE 4200
NEW YORK, N. Y. 10022

925

September 28, 19 79

112

PAY TO THE ORDER OF Federal Election Commission $1,450.00

One Thousand Four Hundred Fifty and 00/100 Dollars

CHEMICAL BANK
488 MADISON AVE., NEW YORK, N. Y. 10022

MEMO

⑈021000128⑆ 112⑈206255⑈ 0925

GCC 10528

stewart rawlings mott
500 park avenue
new york 10021
(212) 421-2155

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 JUL 11 PM 12:06

Ms. Kathy Perkins
Federal Election Commission
1325 K St. NW
Washington, D.C. 20463

July 6, 1979

903026

Dear Ms. Perkins:

This letter will serve to follow up our conversation of July 5, 1979 regarding MUR 920.

Re: (1) K The Democratic Study Group
Enclosed is a copy of a letter dated May 19,1979 enclosing replacement check # 1014 in the amount of $1000 and a copy (front and back) of the check. You will see that this check is dated 12/30/77 in spite of the fact that it was actually issued in May 1977, because it was a replacement for check #654 issued and entered in Stewart Mott's books in 1977.

Re: (1) O M.J. Harrington
A copy of both the front and the back of check #814 is enclosed. This $200 check was marked personalhowever it was deposited in the account of the Harrington Committee.

Re: (2)D Scheuer
We believe that (2)D the Scheuer contribution for $450 is a duplication of item 1A. Mr. Mott therefore requests that the penalty of $2100 be reduced by $450.

I look froward to hearing from you.

Sincerely,

Karen J. Kessler

Karen J. Kessler

7904016132-2

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

'79 JUL 11 P2:12

stewart rawlings mott
and associates

suite 4200 • 515 madison avenue
new york 10022 • (212) 421-2155

May 19, 1978

Mr. Richard Conlon
Democratic Study Group
419 New Jersey Ave., S.E.
Washington, D.C. 20003

Dear Mr. Conlon,

Enclosed is Stewart Mott's check for $1,000. to replace the check which was mislaid. (Check #654)

Sincerely yours,

Gertrude Myers

Gertrude Myers
Office Manager

PAID DATE 12/31/77
CHECK # 1014 AMT. 1,000.—
ACCT. # 654 SIGN. gr

7904016 1323

STEWART R. MOTT
515 MADISON AVENUE, SUITE 4200
NEW YORK, N. Y. 10022

1014

December 30 19 77

112

PAY TO THE ORDER OF Democratic Study Group $ 1000.00

12-06/07/78 CHEMBANK 100730448

One Thousand and 00/100 DOLLARS

CHEMICAL BANK
400 MADISON AVE., NEW YORK, N. Y. 10022

MEMO

⑆0210⑈0012⑆ 112⑈206255⑈ 1014 /0000100000/

For Deposit Only
DSG Campaign Fund

79040161324

FRD NY 0210-0120 8 00
ANY BANK DD

JUN 7

1-1E FAY ANT BANK F.E.G. 1-1
CHEMICAL BANK NEW YORK 100730448
06/07/78

814

STEWART R. MOTT
[illegible] PARK AVE.
NEW YORK, N.Y. 10021

8/9/78

PAY TO THE ORDER OF Mike Harrington - personal $200.00

Two hundred & 00/100 DOLLARS

CHEMICAL BANK
[illegible] MADISON AVE., NEW YORK, N.Y. [illegible]

S. R. Mott

⑆0210⑈0012⑆ 112⑈206255⑈ 0814 ⑈0000020000⑈

THE HARRINGTON COMMITTEE
FOR DEPOSIT ONLY

PAY ANY BANK

PAY ANY BANK NEW YORK

CHEMICAL BANK

7904016 1325

MUR 920
K. Perkins

stewart rawlings mott
[illegible] avenue
new york 10021
(212) 421-2155

RECEIVED
FEDERAL ELECTION
COMMISSION
'79 OCT 10 AM 10:12

Dear Kathy —

.... FINALLY!

Karen J Kessler

806660

7 9 0 4 0 1 6 1 3 2 6

CCC# 11311

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 25, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen J. Kessler
800 Park Avenue
New York, New York 10021

RE: MUR 920

Dear Ms. Kessler:

As per your conversation with Ms. Kathleen Imig Perkins of our staff, enclosed please find a revised proposed Conciliation Agreement as settlement of the Commission's investigation in this matter.

As Ms. Perkins discussed with Mr. Hodgkins, the enclosed Conciliation Agreement deletes the $1,000 contribution to the Democratic Study Group Campaign Fund as having been made in 1977, the check to "Mike Harrington" as a personal gift, and one of the listed $450 contribution to Scheuer for Congress as a duplicate. (See paragraphs B and C on page 3). In addition, the $100 contributions to House candidates have been increased to $1,700 to comport with Mr. Mott's list.

Therefore, the total 1978 contributions were $26,450, $1,450 over FECA's $25,000 annual aggregate contribution limitation. The civil penalty has been adjusted to $1,450. Please contact Kathleen Imig Perkins, the attorney assigned to this matter, at 202/523-4175, if you have further questions concerning this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

Conciliation Agreement

79 OCT 10 A11:05

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

79040161327

925

STEWART R. MOTT
515 MADISON AVENUE, SUITE 4200
NEW YORK, N. Y. 10022

September 28 1979 1412/210 112

PAY TO THE ORDER OF Federal Election Commission $1,450.00

One Thousand Four Hundred Fifty and 00/100 ---------- DOLLARS

CHEMICAL BANK
488 MADISON AVE., NEW YORK, N. Y. 10022

MEMO

⑆021000128⑆ 112⑈206255⑈ 0925

7 0 0 1 0 1 5 1 3 2 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen J. Kessler
800 Park Avenue
New York, New York 10021

RE: MUR 920

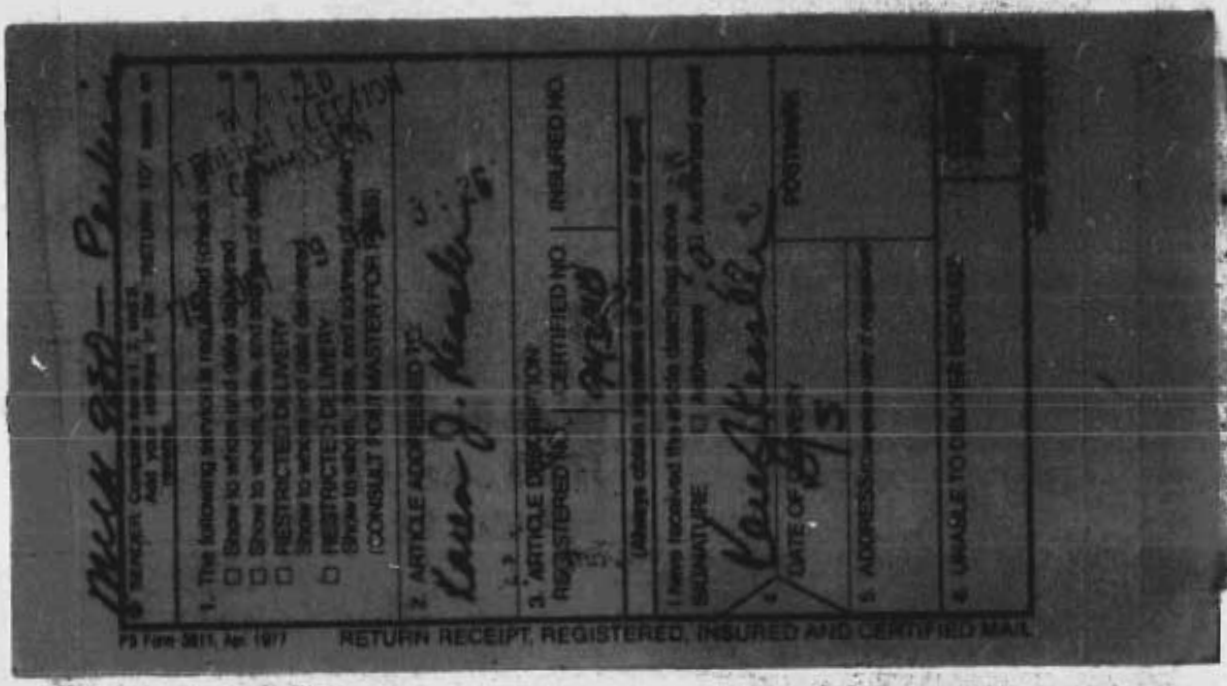
Dear Ms. Kessler:

As per your conversation with Ms. Kathleen Imig Perkins of our staff, please find enclosed two additional copies of a proposed conciliation agreement which this office is prepared to recommend to the Commission as settlement of MUR 920.

If this agreement is satisfactory to Mr. Mott, we encourage you to have it signed and returned to this office as soon as possible. If you have further questions concerning this matter, please contact Kathleen Imig Perkins, the attorney assigned to this matter at 202/523-4175.

Sincerely,

William C. Oldaker
General Counsel



7904016130

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stewart Rawlings Mott, violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5,

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Stewart Rawlings Mott, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stewart Rawlings Mott and the subject matter of this proceeding;

II. That respondent Stewart Rawlings Mott has had a reasonable opportunity to demonstrate that no action should be taken in this matter;

III. That the pertinent facts in this matter are as follows:

A. Stewart Rawlings Mott made contributions to federal candidates during calendar year 1978 as follows:

7904016131

1. As shown on the Commission's "G-Index" --

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
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D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the C.D. Committee (Abzug)	500
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K.	Baucus '78 Committee	1,000
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O.	Dick Clark for U.S. Senate (General)	1,000
P.	Dr. Bill Roy for Senator Comm.	1,000
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Y.	Ravenel for Senate Committee (General)	500
Z.	Wolpe for Congress	450
AA.	Bill Bradley for U.S. Senate	500
BB.	Virginia Shapard for Congress	450
CC.	Carter Burden for Congress	450
DD.	Duval for Senate Committee	500
EE.	Senator Anderson Vol. Comm.	500
FF.	Friends of Luther Hodges, Jr.	1,000
GG.	Ravenel for Senate Committee (Primary)	1,000
HH.	David Pryor for U.S. Senate	500
II.	Dick Clark for U.S. Senate (Primary)	500
JJ.	Hemenway for Congress	500
KK.	Norma Bork for Congress	200
LL.	Abner J. Mikva for Congress	900
MM.	Fraser Senate Committee	500
NN.	Carr for Congress Committee	250
	TOTAL	$22,850

7904016132

2. As Verified by Checking Candidates/ Committee Reports:

A. The Christie Committee (Senate-Texas)	$1,000
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TOTAL	$1,900

3. $100 Contributions to House candidates as disclosed by Mr. Mott $1,700

TOTAL MOTT 1978 CONTRIBUTIONS $26,450

B. Stewart Rawlings Mott made a contribution in the amount of $1,000 to the Democratic Study Group in May, 1977 (check #654). This check was lost or misplaced and was replaced by check #1014, dated December 30, 1977, and mailed to the Democratic Study Group, upon notification of the loss of check #654, on May 19, 1978. Since the May, 1977 check was a written pledge by Mr. Mott, the contribution was made in 1977.

C. Stewart Rawlings Mott made a personal gift of $200 to "Mike Harrington" on August 9, 1978. This gift was not made for the purpose of -

> (A) influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party;

2 U.S.C. §431(e)(1)(A). Neither was this gift "donated for the purpose of supporting the activities of a Federal or State officeholder." 11 C.F.R. §113.1

7904016133

Wherefore, the Commission and respondent Stewart Rawlings Mott agree as follows:

I. Respondent Stewart Rawlings Mott's contributions to candidates during calendar year 1978 exceeded FECA's $25,000 annual aggregate contribution limitation in violation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

II. Respondent will pay a civil penalty in the amount of $1,450 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431 et seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

7904016134

III. It is agreed that respondent, Stewart Rawlings Mott shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

William C. Oldaker
General Counsel
Federal Election Commission

Date: _____

Stewart Rawlings Mott

7904016135

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/MARGARET CHANEY

DATE: SEPTEMBER 11, 1979

SUBJECT: MUR 920 - Interim Conciliation Report dated 9-7-79; Received in OCS 9:42, 9-10-79

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:00, September 10, 1979.

There were no objections to the Interim Conciliation Report at the time of the deadline.

79040016336

September 10, 1999

MEMORANDUM TO: Marge Emmons

FROM: Jane Colgrove

SUBJECT: MUR 920

Please have the attached Interim Conciliation Report on MUR 920 distributed to the Commission on a 24 hour no-objection basis.

Thanklyou.

99040161337

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

9 SEP 10 A 9: 42

In the Matter of)
) MUR 920
Stewart Rawlings Mott)

Interim Conciliation Report

Respondent has advised the Office of General Counsel that a signed Conciliation Agreement will be mailed to the Commission within one week. A full report will be made to the Commission at that time.

9/7/79
Date

William C. Oldaker
General Counsel

7904016138

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

August 9, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen J. Kessler
800 Park Avenue
New York, New York 10021

RE: MUR 920

Dear Ms. Kessler:

As per your conversation with Ms. Kathleen Imig Perkins of our staff, please be advised that the enclosed letter and conciliation agreement were mailed to you from our office on July 25, 1979. Since you have not yet received this material, we are enclosing a copy of both the letter and conciliation agreement.

If you have further questions concerning this matter, please contact Kathleen Imig Perkins, the attorney assigned to this matter at 202-523-4175. We regret any inconvenience which this delay may have caused you.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

cc: Stewart R. Mott

7 0 4 0 1 6 1 3 9

7 9 7 1 0 1 5 1 3 4 0

920 ✓ Perkins

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ___¢
- ☐ Show to whom, date, and address of delivery ..... ___¢
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ..... ___¢
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery . $___ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Karen J. Kesler

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 943425 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Henry Anderson

4. DATE OF DELIVERY 8/15/79 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977—0—249-595

920 ✓ Perkins

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
- ☐ Show to whom and date delivered ..... ___¢
- ☐ Show to whom, date, and address of delivery ..... ___¢
- ☐ RESTRICTED DELIVERY Show to whom and date delivered ..... ___¢
- ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery . $___ (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO: Stewart P. Mott

3. ARTICLE DESCRIPTION: REGISTERED NO. | CERTIFIED NO. 943429 | INSURED NO.

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Henry Anderson

4. DATE OF DELIVERY 8/15 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

☆GPO: 1977—0—249-595

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 25, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Karen J. Kessler
800 Park Avenue
New York, New York 10021

RE: MUR 920

Dear Mr. Kessler:

As per your conversation with Ms. Kathleen Imig Perkins of our staff, enclosed please find a revised proposed Conciliation Agreement as settlement of the Commission's investigation in this matter.

As Ms. Perkins discussed with Mr. Hodgkins, the enclosed Conciliation Agreement deletes the $1,000 contribution to the Democratic Study Group Campaign Fund as having been made in 1977, the check to "Mike Harrington" as a personal gift, and one of the listed $450 contribution to Scheuer for Congress as a duplicate. (See paragraphs B and C on page 3). In addition, the $100 contributions to House candidates have been increased to $1,700 to comport with Mr. Mott's list.

Therefore, the total 1978 contributions were $26,450, $1,450 over FECA's $25,000 annual aggregate contribution limitation. The civil penalty has been adjusted to $1,450. Please contact Kathleen Imig Perkins, the attorney assigned to this matter, at 202/523-4175, if you have further questions concerning this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

Conciliation Agreement

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stewart Rawlings Mott, violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5,

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Stewart Rawlings Mott, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stewart Rawlings Mott and the subject matter of this proceeding;

II. That respondent Stewart Rawlings Mott has had a reasonable opportunity to demonstrate that no action should be taken in this matter;

III. That the pertinent facts in this matter are as follows:

A. Stewart Rawlings Mott made contributions to federal candidates during calendar year 1978 as follows:

7904016342

1. As shown on the Commission's "G-Index" --

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
C.	Committee for Tim Wirth	900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
I.	Martin Frost Campaign Committee	250
J.	Stofferahan for U.S. Senate	500
K.	Baucus '78 Committee	1,000
L.	Bob Eckhardt Camp. Fund	150
M.	Brooke Committee	500
N.	Committee to Reelect Senator Hathaway	1,000
O.	Dick Clark for U.S. Senate (General)	1,000
P.	Dr. Bill Roy for Senator Comm.	1,000
Q.	Helen S. Meyner Campaign	450
R.	Norma Bartle for Congress	300
S.	Pattison '78 Committee	900
T.	People for Haskell (General)	1,000
U.	Udall Election Committee	150
V.	People for Haskell (Primary)	1,000
W.	Kostmayer for Congress	250
X.	Levin for Senate	1,000
Y.	Ravenel for Senate Committee (General)	500
Z.	Wolpe for Congress	450
AA.	Bill Bradley for U.S. Senate	500
BB.	Virginia Shapard for Congress	450
CC.	Carter Burden for Congress	450
DD.	Duval for Senate Committee	500
EE.	Senator Anderson Vol. Comm.	500
FF.	Friends of Luther Hodges, Jr.	1,000
GG.	Ravenel for Senate Committee (Primary)	1,000
HH.	David Pryor for U.S. Senate	500
II.	Dick Clark for U.S. Senate (Primary)	500
JJ.	Hemenway for Congress	500
KK.	Norma Bork for Congress	200
LL.	Abner J. Mikva for Congress	900
MM.	Fraser Senate Committee	500
NN.	Carr for Congress Committee	250
	TOTAL	$22,850

7904016134 3

2. As Verified by Checking Candidates/ Committee Reports:

A. The Christie Committee (Senate-Texas)	$1,000
B. Keys for Congress Committee	450
C. Camp. to Elect Geraldine A. Ferraro	450
TOTAL	$1,900

3. $100 Contributions to House candidates as disclosed by Mr. Mott $1,700

TOTAL MOTT 1978 CONTRIBUTIONS $26,450

B. Stewart Rawlings Mott made a contribution in the amount of $1,000 to the Democratic Study Group in May, 1977 (check #654). This check was lost or misplaced and was replaced by check #1014, dated December 30, 1977, and mailed to the Democratic Study Group, upon notification of the loss of check #654, on May 19, 1978. Since the May, 1977 check was a written pledge by Mr. Mott, the contribution was made in 1977.

C. Stewart Rawlings Mott made a personal gift of $200 to "Mike Harrington" on August 9, 1978. This gift was not made for the purpose of -

> (A) influencing the nomination for election, or election, of any person to Federal office or for the purpose of influencing the results of a primary held for the selection of delegates to a national nominating convention of a political party;

2 U.S.C. §431(e)(1)(A). Neither was this gift "donated for the purpose of supporting the activities of a Federal or State officeholder." 11 C.F.R. §113.1

7904016134 4

Wherefore, the Commission and respondent Stewart Rawlings Mott agree as follows:

I. Respondent Stewart Rawlings Mott's contributions to candidates during calendar year 1978 exceeded FECA's $25,000 annual aggregate contribution limitation in violation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

II. Respondent will pay a civil penalty in the amount of $1,450 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431 et seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

7904016134 5

III. It is agreed that respondent, Stewart Rawlings Mott shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

_____
William C. Oldaker
General Counsel
Federal Election Commission

Date: _____

_____
Stewart Rawlings Mott

7904016134 6

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: JULY 19, 1979

SUBJECT: MUR 920 - Interim Conciliation Report signed by GC 7-17-79, Received by OCS 7-18-79, 10:55.

The above-named document was circulated to the Commission on a 24-hour no-objection basis at 4:00, July 18, 1979.

There were no objections to the Interim Conciliation Report at the time of the deadline.

79040161347

July 18, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 920

Please have the attached Interim Concil Report on MUR 920 distributed to the Commission.

Thankyou.

79040161348

RECEIVED
OFFICE OF THE
SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

79 JUL 18 A10: 55

In the Matter of	)	
	)	
	)	MUR 920
Stewart Rawlings Mott	)	

Interim Conciliation Report

We have been discussing the proposed conciliation agreement with respondent in this matter and hope to reach an agreement shortly. Discussions have been by telephone and mail which has delayed this process. A full report will be made to the Commission when agreement is reached or when it becomes clear that agreement is impossible.

7/17/79
Date

William C. Oldaker
General Counsel

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10528

stewart rawlings mott

RECEIVED
FEDERAL ELECTION
COMMISSION

800 park avenue
new york 10021
(212) 421-2155

'79 JUL 11 PM 12:06

Ms. Kathy Perkins
Federal Election Commission
1325 K St. NW
Washington, D.C. 20463

July 6, 1979

903026

Dear Ms. Perkins:

This letter will serve to follow up our conversation of July 5, 1979 regarding MUR 920.

Re: (1) K The Democratic Study Group
Enclosed is a copy of a letter dated May 19,1979 enclosing replacement check # 1014 in the amount of $1000 and a copy (front and back) of the check. You will see that this check is dated 12/30/77 in spite of the fact that it was actually issued in May 1977, because it was a replacement for check #654 issued and entered in Stewart Mott's books in 1977.

Re: (1) O M.J. Harrington
A copy of both the front and the back of check #814 is enclosed. This $200 check was marked personalhowever it was deposited in the account of the Harrington Committee.

Re: (2)D Scheuer
We believe that (2)D the Scheuer contribution for $450 is a duplication of item 1A. Mr. Mott therefore requests that the penalty of $2100 be reduced by $450.

I look froward to hearing from you.

Sincerely,

Karen J. Kessler

Karen J. Kessler

79040161350

79 JUL 11 P2:12

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

stewart rawlings mott
and associates

suite 4000 • 515 madison avenue
new york 10022 • (212) 421-2155

May 19, 1978

Mr. Richard Conlon
Democratic Study Group
419 New Jersey Ave., S.E.
Washington, D.C. 20003

Dear Mr. Conlon,

Enclosed is Stewart Mott's check for $1,000. to replace the check which was mislaid. (Check #654)

Sincerely yours,

Gertrude Myers

Gertrude Myers
Office Manager

PAID DATE 12/31/77
CHECK # 1014 AMT. 1000.—
ACCT. # 654 SIGN. gm

7904016135

STEWART R. MOTT
215 MADISON AVENUE, SUITE 4200
NEW YORK, N. Y. 10002

1014

December 30 19 77

PAY TO THE ORDER OF Democratic Study Group $ 1000.00

1-12-06/07/78 CHEMBANK 100730448

One Thousand and 00/100 DOLLARS

CHEMICAL BANK
400 MADISON AVE., NEW YORK, N. Y. 10022

⑆0210-0012⑆ 112-206255⑈ 1014 /0000100000/

For Deposit Only
DSG Campaign Fund

7 9 0 4 0 1 6 1 3 5 2

1-12 PAY ANY BANK
CHEMICAL BANK NEW YORK
⑈06/07/78⑈

JUN 7

FRB NY 0210-0120 8
ANY BANK DD

814

STEWART BAMBERG

NEW YORK, N.Y.

8/9/78

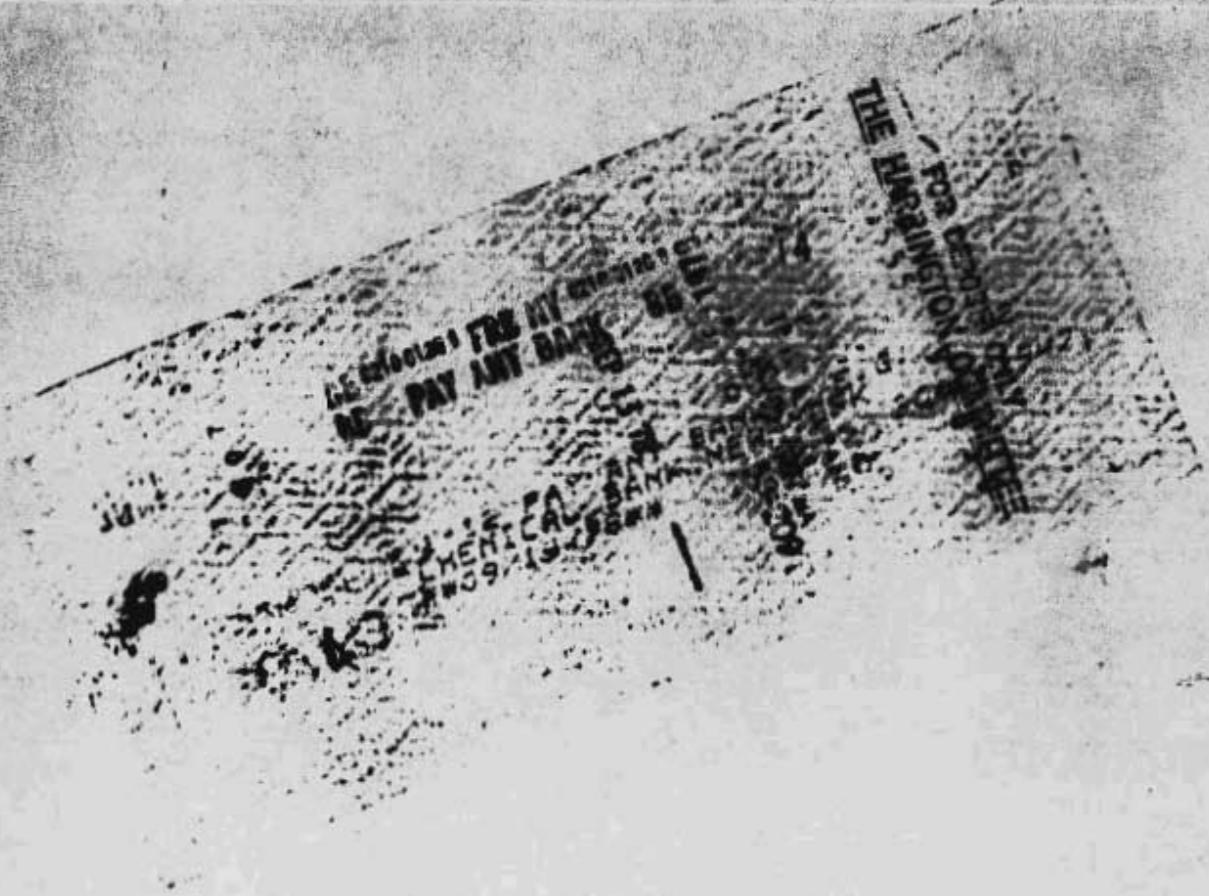
PAY TO THE ORDER OF Mike Harrington personal $200.00

Two hundred & 00/100 DOLLARS

CHEMICAL BANK

S R Moss

⑆0210-0012⑆ 112-206255⑈ 0814 /0000020000/



FOR DEPOSIT ONLY
THE HARRINGTON CORPORATION

FRS NY
PAY ANY BANK

CHEMICAL BANK

7904016135 3

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 25, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stewart Rawlings Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

On June 20, 1979, the Commission determined that there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein. Specifically, the Commission found reasonable cause to believe that your 1978 contributions were as follows:

(1) As shown on the Commission's "G Index":

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
C.	Committee for Tim Wirth	900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the 18 C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
I.	Martin Frost Campaign Committee	250
J.	Stofferahn for U.S. Senate	500
K.	Dem. Study Grp. Camp. Fund	1,000
L.	Baucus '78 Committee	1,000
M.	Bob Eckhardt Camp. Fund	150
N.	Brooke Committee	500
O.	Committee to Reelect Cong. M. J. Harrington	200
P.	Committee to Reelect Senator Hathaway	1,000
Q.	Dick Clark for U.S. Senate (General)	1,000
R.	Dr. Bill Roy for Sentaor Committee	1,000

S.	Helen S. Meyner Campaign	$ 450
T.	Norma Bartle for Congress	300
U.	Pattison '78 Committee	900
V.	People for Haskell (General)	1,000
W.	Udall Election Committee	150
X.	People for Haskell (Primary)	1,000
Y.	Kostmayer for Congress	250
Z.	Levin for Senate	1,000
AA.	Ravenel for Senate Committee (General)	500
BB.	Wolpe for Congress	450
CC.	Bill Bradley for U.S. Senate	500
DD.	Virginia Shapard for Congress	450
EE.	Carter Burden for Congress	450
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GG.	Senator Anderson Vol. Comm.	500
HH.	Friends of Luther Hodges, Jr.	1,000
II.	Ravenel for Senate Committee (Primary)	1,000
JJ.	David Pryor for U.S. Senate	500
KK.	Dick Clark for U.S. Senate (Primary)	500
LL.	Hemenway for Congress	500
MM.	Norma Bork for Congress	200
NN.	Abner J. Mikva for Congress	900
OO.	Fraser Senate Committee	500
PP.	Carr for Congress Committee	250
	TOTAL	$24,050

(2) As Verified by Checking Candidates/Committee Reports:

A.	The Christie Committee (Senate-Texas)	1,000
B.	Keys for Congress Committee	450
C.	Campaign to Elect Geraldine A. Ferraro	450
D.	Scheuer for Congress - 1978	450
	TOTAL	$2,350

(3) $100 Contributions to House candidates as disclosed by Mr. Mott $700

TOTAL MOTT 1978 CONTRIBUTIONS $27,100

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach

an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute a civil suit in the United States District Court and seek payment of a civil penalty not in excess of the greater of $5000 or the amount of the violation or, if a knowing and willful violation is proved, the greater of $10,000 or 200 per cent of the violation. 2 U.S.C. §§ 437g(a)(5)(C), 437g(a)(7).

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement.

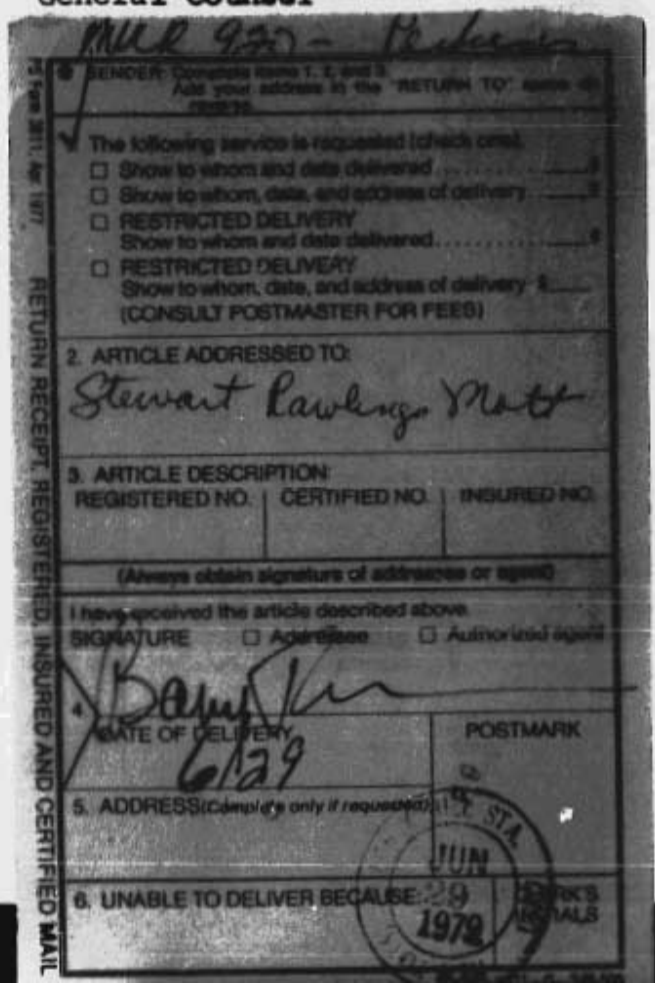
If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Kathleen Imig Perkins, the attorney assigned to this matter, at 202/523-4175 within ten days of your receipt of this letter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

cc: Karen Kessler



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

KIO
6/22/79

Stewart Rawlings Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

On June , 1979, the Commission determined that there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein. Specifically, the Commission found reasonable cause to believe that your 1978 contributions were as follows:

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E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the 18 C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
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J.	Stofferahn for U.S. Senate	500
K.	Dem. Study Grp. Camp. Fund	1,000
L.	Baucus '78 Committee	1,000
M.	Bob Eckhardt Camp. Fund	150
N.	Brooke Committee	500
O.	Committee to Reelect Cong. M. J. Harrington	200
P.	Committee to Reelect Senator Hathaway	1,000
Q.	Dick Clark for U.S. Senate (General)	1,000
R.	Dr. Bill Roy for Sentaor Committee	1,000

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S.	Helen S. Meyner Campaign	$ 450
T.	Norma Bartle for Congress	300
U.	Pattison '78 Committee	900
V.	People for Haskell (General)	1,000
W.	Udall Election Committee	150
X.	People for Haskell (Primary)	1,000
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BB.	Wolpe for Congress	450
CC.	Bill Bradley for U.S. Senate	500
DD.	Virginia Shapard for Congress	450
EE.	Carter Burden for Congress	450
FF.	Duval for Senate Committee	500
GG.	Senator Anderson Vol. Comm.	500
HH.	Friends of Luther Hodges, Jr.	1,000
II.	Ravenel for Senate Committee (Primary)	1,000
JJ.	David Pryor for U.S. Senate	500
KK.	Dick Clark for U.S. Senate (Primary)	500
LL.	Hemenway for Congress	800
MM.	Norma Bork for Congress	800
NN.	Abner J. Mikua for Congress	900
OO.	Fraser Senate Committee	500
PP.	Carr for Congress Committee	250
	TOTAL	$24,050

(2) As Verified by Checking Candidates/Committee Reports:

A.	The Christie Committee (Senate-Texas)	$0000
B.	Keys for Congress Committee	450
C.	Campaign to Elect Geraldine A. Ferraro	450
D.	Scheuer for Congress - 1978	450
	TOTAL	$2,350

(3) $100 Contributions to House candidates as disclosed by Mr. Mott $700

TOTAL MOTT 1978 CONTRIBUTIONS $27,000

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach

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an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute a civil suit in the United States District Court and seek payment of a civil penalty not in excess of the greater of $5000 or the amount of the violation or, if a knowing and willful violation is proved, the greater of $10,000 or 200 per cent of the violation. 2 U.S.C. §§ 437g(a)(5)(C), 437g(a)(7).

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. Itwill then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Kathleen Imig Perkins, the attorney assigned to this matter, at 202/523-4175 within ten days of your receipt of this letter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

cc: Karen Kessler

7904016136 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CONCILIATION AGREEMENT

This matter having been initiated on the basis of information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities, an investigation having been conducted, and the Commission having found reasonable cause to believe that respondent, Stewart Rawlings Mott, violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5,

Now, therefore, the respective parties herein, the Federal Election Commission and respondent Stewart Rawlings Mott, having duly entered into conciliation pursuant to 2 U.S.C. §437g(a)(5), do hereby agree as follows:

I. That the Federal Election Commission has jurisdiction over respondent Stewart Rawlings Mott and the subject matter of this proceeding;

II. That respondent Stewart Rawlings Mott has had a reasonable opportunity to demonstrate that no action should be taken in this matter;

III. That the pertinent facts in this matter are as follows:

A. Stewart Rawlings Mott made contributions to federal candidates during calendar year 1978 as follows:

1.) As shown on the Commission's "G-Index" --

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500

7904016136

C.	Committee for Tim Wirth	$ 900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
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V.	People for Haskell (General)	1,000
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GG.	Senator Anderson Vol. Comm.	500
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JJ.	David Pryor for U.S. Senate	500
KK.	Dick Clark for U.S. Senate (Primary)	500
LL.	Hemenway for Congress	500
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PP.	Carr for Congress Committee	250
	TOTAL	$24,050

2.) As Verified by Checking Candidates/ Committee Reports:

A.	The Christie Committee (Senate-Texas)	1,000
B.	Keys for Congress Committee	450

7904016136 2

C.	Camp. to Elect Geraldine A. Ferraro	$ 450
D.	Scheuer for Congress - 1978	450
	TOTAL	$ 2,350

3.) $100 Contributions to House candidates as disclosed by Mr. Mott	700
TOTAL MOTT 1978 CONTRIBUTIONS	$27,100

Wherefore, the Commission and respondent Stewart Rawlings Mott agreed as follows:

I. Respondent Stewart Rawlings Mott's contributions to candidates during calendar year 1978 exceeded FECA's $25,000 annual aggregate contribution limitation in violation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

II. Respondent will pay a civil penalty in the amount of $2,100 pursuant to 2 U.S.C. §437g(a)(6)(B).

III. Respondent will not undertake any activity which is in violation of the Federal Election Campaign Act, 2 U.S.C. §431 et seq.

GENERAL CONDITIONS

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

II. It is mutually agreed that this agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

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III. It is agreed that respondent, Stewart Rawlings Mott, shall have 30 days from the date of this agreement to implement and comply with the requirements contained herein, or to so notify the Commission.

Date: _____

William C. Oldaker
General Counsel
Federal Election Commission

Date: _____

Stewart Rawlings Mott

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 920
Stewart Rawlings Mott)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 20, 1979, the Commission determined by a vote of 6-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated June 15, 1979, regarding the above-captioned matter:

1. Find no reason to believe that Stewart Rawlings Mott violated 2 U.S.C. §441a(a)(1)(A) by exceeding the contribution limitations of that provision to Jim Scheuer.

2. Find reasonable cause to believe that Stewart Rawlings Mott violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein.

3. Approve and send the conciliation agreement and letter attached to the above-named report.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, Thomson, and Tiernan.

Attest:

6/21/79 Marjorie W. Emmons

Date Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 6-18-79, 12:51
Circulated on 48 hour vote basis: 6-18-79, 4:00

7904001361365

June 18, 1979

MEMORANDUM TO: Marge Emmons

FROM: Jane Colgrove

SUBJECT: MUR 920

Please have the attached General Counsel's Report on MUR 920 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904016136 6

RECEIVED
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

79 JUN 18 P12: 51

In the Matter of)
) MUR 920
Stewart Rawlings Mott)

GENERAL COUNSEL'S REPORT

Introduction

On May 14, 1979, the Commission found reason to believe that Stewart Rawlings Mott may have violated 2 U.S.C. § 441a(a)(3), 11 C.F.R. § 110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein. In addition, the Commission was concerned with whether Mr. Mott's "residential" expenses for Scheuer fund-raiser exceeded the $500 limit of 11 C.F.R. § 100.4(b)(4) and whether or not Mr. Mott's total contributions to candidate Scheuer during 1978 exceeded the contribution limitation of 2 U.S.C. § 441a(a)(1)(A). A letter was sent to Mr. Mott notifying him of the Commission's finding and his response has been received.

Contributions to Candidate Jim Scheuer (1978)

Mr. Mott's response and attached verification indicates that his total expenses for the two Scheuer fund-raisers was $437.04. The Commission's regulations except from the term "contribution" as used in the Act,

> (4) The use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided without charge by an individual, in rendering voluntary personal services to a candidate on the individual's residential premises, to the extent that the cumulative value of those activities by the individual on behalf of the candidate do not exceed $500 with respect to an election. For purposes of this paragraph a contribution by a married individual shall not be attributed to a spouse.

11 C.F.R. § 100.4(b)(4) (Emphasis added).

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Since Mr. Mott hosted the Jim Scheuer fund-raisers on his "residential premises," and since the total cost of the fundraisers was less than $500, these expenses were not a "contribution" to the Jim Scheuer campaign. Therefore, the Office of General Counsel recommend that the Commission find no reason to believe that Stewart Rawlings Mott may have violated 2 U.S.C. § 441a(a)(1)(A) by exceeding the contribution limitations of that provision of the Act in his 1978 contributions to Jim Scheuer.

$25,000 Annual Contribution Limitation

Mr. Mott's response confirms that his 1978 contributions to candidates exceeded the annual aggregate limitation of 2 U.S.C. § 441a(a)(3), 11 C.F.R. §110.5. Mr. Mott admits a total of $26,490 in 1978 contributions and the Commission's records show a total of $27,100 in 1978. The pledge to Pell, Dellums fund-raiser ticket, Women's Campaign Fund loan, and costs of Scheuer fund-raisers were not incuded in the Commission's total.

Therefore, the Office of General Counsel recommends that the Commission find reasonable cause to believe that Stewart Rawlings Mott may have violated 2 U.S.C. § 441a(a)(3), 11 C.F.R. § 110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein.

Recommendations

1. Find no reason to believe that Stewart Rawlings Mott violated 2 U.S.C. § 441a(a)(1)(A) by exceeding the contribution limitations of that provision to Jim Scheuer.

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2. Find reasonable cause to believe that Stewart Rawlings Mott violated 2 U.S.C. § 441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein.

3. Approve and send the attached conciliation agreement and letter.

6/15/79
Date

William C. Oldaker
General Counsel

Attachments

1. Mott's Response
2. Proposed Conciliation Agreement
3. Letter to Respondent

7904016136 9

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 MAY 29 AM 8:59

stewart rawlings mott
300 park avenue
new york 10021
(212) 421-2155

Mr. William Oldaker
General Counsel
Federal Election Commission
1325 K St. NW
Washington, D.C. 20463

902528

May 25, 1979

Dear Mr. Oldaker:

This letter will serve as my reply to the Federal Election Commission's investigation into my political contributions, MUR 920.

I will address the points I enumerated in my November 13, 1979 + Nov. 4th correspondence with Neil Staebler. My initial contributions made on October 6, 1978 totalled $24,990.

1) The pledge to Pell was not honored nor called in by the Pell committee. According to a phone conversation with Joanne Steneck of your organization this does not count toward my federal limit.

2) The Dellums fundraiser: I do not believe that the $100 payment should be charged against my $25,000 limit since Harold Willens paid it without my knowledge.

3) The contributions to Russell Hemenway ($500) and Bella Abzug ($1000) for a special election January 1978 should have been included; this was an oversight.

4) The Women's Campaign Fund promptly repaid their debt of $2972.78. Ms. Joanne Steneck called this "normal business practice" which need not be reported according to regulation 114.9(d).

5) Itemization for the two Scheuer events is enclosed. The combined total for out-of-pocket expenses for food, invitations, postage and beverages total $437.04. This does not include the time my paid staff spent on these events.

6) I do not see point 6 addressed in the law.

Please advise me with a written copy to my staff assistant, Karen Kessler if your investigation will require any further information.

Sincerely,

Stewart R. Mott

Stewart R. Mott

cc: Karen Kessler
John P. Hodgkin

encl.

79040913370

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 MAY 29 AM 8:59

stewart rawlings mott

800 park avenue
new york 10021
(212) 421-2155

6 October 1978

Dear Candidate:

I'm pleased to be able to send you this enclosed donation to support your campaign for federal office.

I wish it could have been sent sooner--
--and I wish it could be larger!

My decision to support you has been based on many factors: voting record, press reports, personal contact, and most especially by the advice of Russ Hemenway at the National Committee for an Effective Congress and by Carol Randles at the Women's Campaign Fund. I serve on the Board of NCEC and helped to found WCF. Their counsel is most valuable to me.

Primary considerations for me in assessing your race are:

A SANE FOREIGN AND MILITARY POLICY
THE NEED FOR WORLDWIDE CONTRACEPTIVE & ABORTION PROGRAMS
EQUAL RIGHTS FOR MEN AND WOMEN
CIVIL LIBERTIES, ESPECIALLY FREEDOM OF SPEECH

I hope you will continue to prove yourself a champion of the concerns listed above; I'd be sad if you disappointed me on any of these issues.

This donation might have been larger were it not for the obnoxious provisions of the so-called campaign finance "reform" laws (which you may have favored?) which limit my total giving to a ceiling of $25,000 annually. From the enclosed list you'll see that I'm scratching up against the "fat-cat" ceiling and that it's a very painful decision to have to limit the size of my gift to you.

I hope that once you're in the 96th Congress I'll be able to help you in many ways beyond this campaign gift. I'm active with many Washington-based organizations which can assist you in your work:

THE FUND FOR PEACE--Center for Defense Information, Center for Nat'l. Securities Studies, Center for Intl. Development, In the Public Interest radio program.
PLANNED PARENTHOOD FEDERATION OF AMERICA
POPULATION INSTITUTE--Population Action Council
POPULATION CRISIS COMMITTEE
FUND FOR CONSTITUTIONAL GOVERNMENT--Almanac of American Politics, Honest Gov't. Project, Military Audit Project

I'm on the Board of Directors of each of these groups and can assure you of their cooperation with you in your committee work.

For the purpose of listing me in your FEC reports, use the address above and list my occupation as "maverick".

Best wishes; I hope you win!

Stewart

79040161371

STEWART R. MOTT -- POLITICAL SUPPORT 1978 (as of 10/78)

SENATE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Ak	Pryor	$ 500	Mn	Anderson	$ 500
Co	Haskell	2000	Mt	Baucus	1000
Ia	Clark	1500	NJ	Bradley	500
Ka	Roy	1000	NC	Hodges	1000
Me	Hathaway	1000	SC	Ravenel	1500
Ma	Brooke	500	SD	Stofferahn	500
Mi	Levin	1000	Tx	Christie	1000
Mn	Fraser	500	Va	Duval	500

Total SENATE----------$14,500

HOUSE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Az 2	Udall	$150	NJ 7	Maguire	$100
Ca 2	Bork	200	NJ 13	Meyner	450
Co 1	Schroeder	450	NY 2	Downey	150
Co 2	Wirth	900	NY 9	Ferraro	450
Ct 5	Ratchford	100	NY 11	Scheuer	450
Ga 6	Shapard	450	NY 18	Burden	450
Il 10	Mikva	900	NY 29	Pattison	900
Il 22	Bruce	100	NY 30	Bartle	300
In 6	Evans	100	NC 5	Neal	100
Ia 2	Blouin	100	Oh 3	Hall	100
Ia 5	Harkin	300	Pa 7	Edgar	450
Ks 2	Keys	450	Pa 8	Kostamayer	250
Ma 5	Shannon	100	Pa 23	Ammerman	100
Ma 6	Mavroules	100	SC 2	Bass	100
Mi 3	Wolpe	450	SC 4	Heller	100
Mi 6	Carr	250	SD 1	Daschle	100
Mn 3	Freeman	100	Tx 8	Eckhardt	150
Mt 1	Williams	100	Tx 24	Frost	250
Nb 1	Dyas	100	Va 8	Harris	100

Total HOUSE----------$10,450

Total Federal Support----------$24,950

7904016137 2

ewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

4 November 78

Commissioner Neil O. Staebler
F.E.C. 1325 K St NW
Washington D C 20463

Dear Neil:

Ever since I "sat at your knee" eleven years ago to talk about my possible race for Congress from Flint, I've felt that you've taken an avuncular interest in me and my political evolution. Your November 2 letter attests to that. Thank you! You're a mix between a father confessor and stern rabbi!

Neil, I still find it odd that the Supreme Court found it constitutional that Congress could limit donations to $1000 per candidate per election. If Congress were to pass a law limiting the number of volunteer hours I might expend for the 1980 Presidential candidate(s), then the Court--following the Buckley-Valeo logic--would uphold the right of Congress to write its own rules once again.

To quote your letter, "the weight of big givers...was conveying a sense of futility." Well, Mary Jones, the volunteer who can contribute 1000 hours to a campaign, she has a bigger weight and influence than I do with a $1000. So does Jack Smith, the media expert, who's able to contribute his time--worth maybe $5-10,000. So what are we to do with Mary Jones, Jack Smith, John Denver, George Meany, Frank Sinatra, Billy Graham or even Miss Lillian? EQUALIZE THEM ALL? Cut them off at the knees? And if Congress wrote such rules, the Court would uphold them and you would enforce them?

As you know, Neil, so many diverse elements go into a campaign: intelligence, humor, integrity, eloquence, compassion, foresight, craftiness, tenacity, good health, billboards, bumper stickers, endorsements, TV time, editorials.....and money. Just because money is measurable--and there's no yardstick for integrity--then it's OK to legislate and put limits on money. By legislating/limiting money, Congress limits TV time, xeroxing, paid staff, telephone banks, buttons--every single kind of SPEECH that costs money.

Yes, I think it's an OBNOXIOUS law that augurs for more and more government control over the entire political process in America. I think that if the American public really and truly understood the consequences of FECA'74 and its absurd body of regulations and bureaucracy, they'd vote against it.

Neil, I appreciate your suggestion that I help promote the $1 check-off, but I promise you there's NO WAY that I'd dream of encouraging the collection of funds that preserves and promotes and enshrines the Democratic Party and Republican Party as the two OFFICIAL political parties of the USA. Neither can I stomach the fact that the FEC is designed to be bi-partisan.

I am curious about your citation of $53 million from donors of $10,000+ in 1972. Those are all from individuals? None from PAC's or multi-candidate groups like NCEC? And does that figure count all political gifts or just federal campaign gifts? Without knowing the answer to this latter question, I couldn't know the denominator against which to measure the magnitude or percentage. I'm sending a copy of your letter (hope you don't mind) along with this reply, to Herb Alexander in the hopes that he can give me fuller data. Or do you have it in your files?

I'm also curious about the role of fat-cats in politics as compared to the role of fat-cats in philanthropy. Is the profile of fat-cat giving in politics very much like the profile of fat-cat giving in philanthropy? Or quite different? Maybe Jack Schwar

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at the American Association of Fund-Raising Counsel could answer that question.

And I do wonder whether "the weight of big givers" does indeed convey a "sense of futility" to the small contributors in philanthropic campaigns? Is it true that a John Doe feels futile--or feels a disincentive--to give his $15 to the United Way when a C. S. Mott can give $15,000?

In your last paragraph you lament the decline of political party influence. My politic education in the 1960's and 1970's has been marked by the following events:

1. My refusal to run for Congress in 1968 because I could not stomach the Vietnam policies of LBJ.
2. My discouragement in Chicago when I realized that the nomination was rigged a year or two in advance by party rules for delegate selection.
3. My anger at Larry O'Brien and Bob Strauss for trying to ignore many of the McGovern-Fraser rules.
4. The continuing lack of "accountability" on the part of the DNC re. party finance. Try writing to the DNC for an Annual Financial Report or next year's budget; you won't get one.
5. The lack of party support for George McGovern.
6. The attempt by Bob Strauss to divert money from McGovern in order to pay off the Hubert debt.
7. The refusal of the DNC to allow its Mid-Term Conference to deal with <u>issues</u>.
8. The RNC sat on its fanny all through the dreadful impeachment process.

Why should I--or the millions of Americans who witnessed many of these events--have any respect for the two national parties? Why should anyone bust his/her ass to to develop reasonable/progressive platforms at the national conventions when elected leadership ignores the platforms? I really can't see why anyone 40-or-younger who began voting ~~the~~ in the 1960's would give a hoot or a holler about the DNC or RNC.

Having "taken you on" with these remarks, I realize that I've challenged you with questions and comments that might take a whole book for reply. Rather than subject you to that chore, may I instead offer to take you to lunch next time I'm in D.C.?

Finally, if you don't mind having lunch with a criminal, I must confess to you that I'm <u>illegal</u>. Neil, I sent you a copy of my 10/6/78 letter summarizing my gifts to 1978 candidates, a total of $24,950. Alas and alack, I'm illegal in two ways:

1. After sending all those checks and composing that letter, I remembered several days later that I had been at a fund-raiser for Claiborne Pell about a year ago and had pledged $500 to his '78 re-election; but I had never gotten around to paying up. Since the pledge is equivalent to a contribution according to your outrageous and ingenious law, I'm <u>illegal</u>.

2. On 10/29/78 I was meeting Harold Willens in Santa Monica at the home of Tom Hayd and Jane Fonda for a party which I knew to be a fund-raiser at $25 per person. When I arrived, I offered a $100 bill at the door for myself and three friends. The doorkeeper told me I didn't need to pay since Harold had paid for me. Not until I was inside did I realize that it was a fund-raiser for Ron Dellums! So Harold made a "gift in the name of another person" and I accepted his kind hospitality as my host for that weekend, so I guess we're <u>both</u> <u>illegal</u>.

Pray tell, what should I do to return to the side of the angels?

If you can't think of any way to cure my transgressions, I'll surrender at that lunch we're going to have. Be sure to bring handcuffs!

Stewart

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stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

13 November 78

Hon. Neil O. Staebler

--continuation of 11/4/78 letter--

Dear Neil:

Wow! I just discovered that I'm really in deep trouble.

Since writing to you on 11/4, I came across two additional violations of the FECA which are substantial, and I might as well mention two others that are minor. You'll remember that my 10/6/78 report totalled $24,950. Well, one candidate, Max Heller, sent back his $100 saying he didn't need or want it. That brought me down to $24,850. But I had forgotten a $100 amount to the Council for a Livable World; and I hadn't bothered to list $25 to the DNC and $15 to the RNC (I like to receive their mailings), so my presumed total was $24,990. But herewith the six transgressions:

1. The $500 pledge to Pell mentioned in my 11/4 letter.

2. The $100 gift on my behalf by Harold Willens to Ron Dellums.

3. In 1977 I gave $500 each to Russ Hemenway and Bella Abzug to help them seek the 18th C.D. nomination for the vacant Koch seat. Then when Bella won the nomination, I gave her an additional $500 in January '78. Total of $1500. The young woman who helped me prepare the 10/6/78 list, Karen Kessler, had not realized that the $1500 counted toward my 1978 ceiling of $25,000. The people who supplied her with my records, John Hodgkin and Gertrude Myers, had not flagged the amounts. Russ Hemenway, who sat with me on 10/6 to plan the final donations, didn't remember it. I didn't remember it. On a scale of 1-10, in terms of familiarity with the law and awareness of its provisions, I reckon you'd rate Russ and me at 9, John at 7, Gertrude at 5, Karen (who's new on my staff) at 2. We're all guilty as hell. Karen didn't know the difference, being new, but Russ and I know the law well enough to realize that the by-election totals count toward the calendar year totals; so we both violated the law! Incidentally, had the by-election taken place in December 1977, there would have been no violation, right? That sure is a funny, funny law you administer, Neil.

4. Last Friday I did a financial review of my Balance Sheet for 9/30/78 and discovered a startling item: Accounts Receivable, Women's Campaign Fund: $2200. I asked my CPA $ tax advisor staffer, John Hodgkin, to explain it to me. Well, it seems that my bookeeper, Gertrude Myers, who has been a very active volunteer on behalf of the Women's Campaign Fund, helped run a benefit party here in NYC to raise $$$ for WCF. And, as is normal for groups that I support, money was advanced from my bank account to WCF as "front money" to pay for stamps, printing bills, a paid staffer, and other miscellany to get the benefit party under way. Subsequently, as donations flowed in for the benefit, the advanced $2200 was repaid to my bank account. All this took place with only a peripheral awareness on my part. Why? Because it's the normal way I help groups I support. I'm in the "business" of philanthropy and public service and it's a very ordinary thing for me to advance money in that way. But OOPS, when I do it for a political committee, all of a sudden it's illegal. I forgot. Gertrude and John Hodgkin forgot. We didn't remember that the haunting presence of John Gardner, Common Cause, the FEC, and Supreme Court (& Congress) were all right behind our tracks and would find the whole lot of us ILLEGAL. Damn! I frankly didn't know about it until four days ago. I hasten to report myself and turn myself in. Got the handcuffs ready?

5. A minor item. I gave two fund-raisers for Jim Scheuer in appreciation for all he has done to advance the cause of population in Congress. One was at my D.C. home & office

7904016137 5

at 122 Maryland Avenue, a place where I spend 5-6 days every month. The other was at my family apartment at the Hampshire House in NYC, which is a convenience apartment for family members visiting the Big Apple and for business and personal friends of mine who pass through town. Both are private residence facilities. On each event I spent less that the $500 ceiling on "invitations, food and beverages." But I used two different residences. Seems to me that the spirit of that provision of the FECA was meant to be limited to one residence. True? Any regulations on that? Could I also have had a party here at my current real residence at 800 Park in NYC? And another at the place I'm fixing up to become my residence for the next several decades at 1133 Fifth in NYC? Can a person have as many as two or even four different "residences" for that provision of the law?

I realize that, not being a candidate or a committee, I'm not entitled under the law to ask for an Advisory Opinion on this point of law, so you guys at the FEC leave characters like me entirely at the mercy of our own very fallible judgements on matters of profound importance like this. So what am I to do? Should I have asked Scheuer to have engaged counsel 5-6 months ago to research this fine point of law and, if no regulation exists, to have sought an Advisory Opinion back in April?

Neil, where's the spontaneity in political participation if Scheuer and Mott should have been chilled by the FECA in a decision to have a party which took place only 4 weeks before the actual event?

6. Final minor item. My staff works on these things. My D.C. staff, Anne Zill and Diane Abelman, put in time on political activities. My NYC staff, Karen, Gertrude, John, plus John Cushing, secretary, and Barry Turner, sometimes bartender, all put in staff time on preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to. Let's face it. A lot of donors would never bother to report such paid staff time because A) their total annual donations do not brush up against the ceiling of $25,000 per year, or B) because they ambiguously (and fraudulently?) claim that such staff time is "volunteered."

Neil, I must admit to you that if we had kept records on every single time my secretary answered a phone call or letter from a candidate that resulted in a political gift, or every expense for a fund-raising party that fell outside the definition of "invitations, food and beverages" then I'd have to report some $3-5,000 of in-kind giving not allowed by the law.

- - - - - - - -

OK, I've come clean and bared my heart and soul and criminality. What are you going to do about it? I've acknowledged to you that my political participation this year may amount to some $8000 in excess of the legal limits--none of which I was consciously aware of at the time I was doing it. Six different counts of wrong-doing.

Tell me, do you personally think there was anything wrong with my instincts and desires to help the cause of good politics in this country? Do you think I was exercising undue influence over the political process? Was I contributing to the "sense of futility" of the small contributor? Was I engaged in any venal act of self-service? Do I deserve to be chastised, subjected to a criminal proceeding (along with my "accomplices")? Should I go to jail and/or be fined severely?

I can't help but think there are hundreds of candidates and donors and other participants in the political process in this country who are constantly chilled by the provisions of the FECA and are worried continuously by possible infringements of the law. You doubtless get dozens of "mea culpa" letters like this confessing transgressions. How do you handle such admissions of guilt? I'm very curious to know.

Gimme another week or two and I'll probably think of another half-dozen violations.

I stand ready for your indictment! Stewart

79040161376

COSTS OF THE JIM SCHEUER BREAKFAST 10/12/78

FOOD.....$86.71

CHAMPAGNE.....$53.83

INVITATIONS.....$40.70

POSTAGE.....$60.00

subtotal	241.24
credit*	26.92
TOTAL	214.24

*case of unused champagne

COSTS OF JIM SCHEUER EVENT 11/1/78

GARDEN MARKET (VEGETABLES,CRACKERS,DIP) 47.63

BEVERAGE (FROM STOCK,NO PURCHASE) 50.00

FRASER MORRIS (CHEESE).....26.25

ICE.....21.00

INVITATIONS.....32.92

POSTAGE.....45.00

TOTAL $ 222.80

7904016137 7

AD 11

APPROVED BY

RECEIVED BY

CHARGE TO

FOR Fraser-Morris- (Cheese) - Will

Jon Scheuer fundraiser

RECEIVED OF PETTY CASH

6/28

Nov. 1 '78

AMOUNT $ 26 25

NO.

INVOICE NO.

03957

FRASER - MORRIS
FINE FOODS INC.

CHARGE ☐
CASH ☒
COD ☐
C/C ☐

NEW YORK'S FINEST GOURMET SHOP
931 MADISON AVE. AT 74th STREET
NEW YORK, N.Y. 10021
212 - 988-6700

CHARGE TO Mott

ADDRESS

ORDER DATE 11/1/78

DELIVERY DATE

QUANTITY	DESCRIPTION	AMOUNT
1	Mustard	5 [illegible]
2	Brie	10 [illegible]
3	Cheddar	10 [illegible]
4		
5		26 [illegible]
6		
7		
8		
9		
10		
11		
12		
13		
	TOTAL	

SHIP TO

ADDRESS

7904016137 8

RH [illegible]

B. BRUSCA

ICE - COAL AND LOGS - ICE CUBES

For Bars - Restaurants - Homes

1693 THIRD AVENUE NEW YORK, N. Y. 1002

59J 11-1- 1978

M 150 - Sev Pod S.

	DRY ICE	
	CRUSHED ICE	nov. 24
	CAKES OF ICE	
2	TUBS ICE CUBES	
	LOGS	20.00
	CANNEL COAL	
	PRES-TO LOGS	
	BRIQUETTES, CHARCOAL	
	KINDLE LIGHTER	
	KINDLE WOOD	

Pm 430

AMOUNT $ 21.00 NO.

RECEIVED OF PETTY CASH

Nov. 1 1978

FOR Ice for Scheuer ($20.00 + $1 tip)

CHARGE TO Karen + Pam

APPROVED BY RECEIVED BY

AD 11

657B

7 9 0 4 0 1 6 1 3 7 9

COPYQUARTERS

1634 Second Ave. 879 934

Date: 10/13

No. of Copies		Amount
650	xen	10.25
300	xen	5.80
325	xen	6.17
Cutting		1.20
Folding		9.50
		$ 32.92

NAME: TOTAL

№ 0510

AMOUNT $ 32.92 NO.

RECEIVED OF PETTY CASH

10/13 1978

FOR Copyquarters (Xeroxing Scheuer invites)

CHARGE TO

APPROVED BY RECEIVED BY

AD 11

528

DI CESARE & ASSOCIATES INC.

7730 K STREET, N.W. WASHINGTON, D.C. 20006

PRINTING – COMPOSITION – PUBLISHING
TELEPHONE: 331-8181

PLEASE PAY FROM THIS INVOICE

To: Population Action Council
110 Maryland Avenue, N.
Washington, D.C. 20002

Attn: [illegible]

BILLING DATE: 9/30/73

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STATEMENT

GARDEN

PAID DATE 12/
CHECK 639
ACCT. 770
AMT. 204.92
SIGN. gm

MR S R MOTT PH
800 PARK AVE
N Y N Y 10021

THIS BILL INCLUDES ALL PURCHASES & PAYMENTS THROUGH 11/11/78

04398
21

ALL BILLS MUST BE PAID UPON RECEIPT OF STATEMENT

IF STATEMENT DOES NOT AGREE WITH YOUR RECORDS, PLEASE CALL STORE WHERE PURCHASES WERE MADE

THANK YOU FOR YOUR CONTINUED PATRONAGE

PAYMENTS MADE JUST PRIOR TO THE STATEMENT DATE WILL APPEAR ON THE NEXT STATEMENT

EXECUTIVE OFFICE

400 WALNUT AVE.
NEW YORK, N.Y. 10454
(212) 665-6200

DATE MO.	DATE DAY	TICKET NUMBER	PURCHASES AND PAYMENTS	
	4	PRIOR BAL	213.95	
11	10	PD. THANK	YOU	111.37%
10	23	494804	10.39	
10	30	493744	12.97	
10	30	493748	7.46	BT
10	31	258687	2.68	
10	31	258680	19.52	OHRT
10	31	171404	8.59	
11	1	198935	14.45	
11	1	198910	33.18	
11	2	197007	2.25	
11	3	195786	18.10	
11	3	199076	3.80	
11	6	494246	21.96	
11	8	200258	9.97	
11	8	195682	20.13	
11	9	201038	9.87	
11	9	200826	2.90	
11	10	201933	8.91	
11	10	198882	2.79	
			312.50	

PAY THIS AMOUNT

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SHOPWELL INC.

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7904016138 1

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stewart Rawlings Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

On June -, 1979, the Commission determined that there was reasonable cause to believe that you committed a violation of 2 U.S.C. § 441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein. Specifically, the Commission found reasonable cause to believe that your 1978 contributions were as follows:

(1) As shown on the Commission's "G Index":

A.	Scheuer for Congress - 78	$ 450
B.	Citizens for the 18 C.D. Committee (Abzug)	500
C.	Committee for Tim Wirth	900
D.	Harkin for Congress	300
E.	Schroeder for Congress Committee	450
F.	Citizens for Downey	150
G.	Citizens for the 18 C.D. Committee (Abzug)	500
H.	Edgar for Congress Committee	450
I.	Martin Frost Campaign Committee	250
J.	Stofferahn for U.S. Senate	500
K.	Dem. Study Grp. Camp. Fund	1,000
L.	Baucus '78 Committee	1,000
M.	Bob Eckhardt Camp. Fund	150
N.	Brooke Committee	500
O.	Committee to Reelect Cong. M. J. Harrington	200
P.	Committee to Reelect Senator Hathaway	1,000
Q.	Dick Clark for U.S. Senate (General)	1,000
R.	Dr. Bill Roy for Sentaor Committee	1,000

S.	Helen S. Meyner Campaign	$ 450
T.	Norma Bartle for Congress	300
U.	Pattison '78 Committee	900
V.	People for Haskell (General)	1,000
W.	Udall Election Committee	150
X.	People for Haskell (Primary)	1,000
Y.	Kostmayer for Congress	250
Z.	Levin for Senate	1,000
AA.	Ravenel for Senate Committee (General)	500
BB.	Wolpe for Congress	450
CC.	Bill Bradley for U.S. Senate	500
DD.	Virginia Shapard for Congress	450
EE.	Carter Burden for Congress	450
FF.	Duval for Senate Committee	500
GG.	Senator Anderson Vol. Comm.	500
HH.	Friends of Luther Hodges, Jr.	1,000
II.	Ravenel for Senate Committee (Primary)	1,000
JJ.	David Pryor for U.S. Senate	500
KK.	Dick Clark for U.S. Senate (Primary)	500
LL.	Hemenway for Congress	500
MM.	Norma Bork for Congress	200
NN.	Abner J. Mikva for Congress	900
OO.	Fraser Senate Committee	500
PP.	Carr for Congress Committee	250
	TOTAL	$24,050

(2) As Verified by Checking Candidates/Committee Reports:

A.	The Christie Committee (Senate-Texas)	1,000
B.	Keys for Congress Committee	450
C.	Campaign to Elect Geraldine A. Ferraro	450
D.	Scheuer for Congress - 1978	450
	TOTAL	$2,350

(3) $100 Contributions to House candidates as disclosed by Mr. Mott $700

TOTAL MOTT 1978 CONTRIBUTIONS $27,100

The Commission has a duty to attempt to correct such violations for a period of 30 days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. 2 U.S.C. § 437g(a)(5)(A). If we are unable to reach

an agreement during that period, the Commission may, upon a finding of probable cause to believe a violation has occurred, institute a civil suit in the United States District Court and seek payment of a civil penalty not in excess of the greater of $5000 or the amount of the violation or, if a knowing and willful violation is proved, the greater of $10,000 or 200 per cent of the violation. 2 U.S.C. §§ 437g(a)(5)(C), 437g(a)(7).

We enclose a conciliation agreement that this office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed conciliation agreement, please sign and return it, along with the civil penalty, to the Commission within ten days. I will then recommend that the Commission approve the agreement.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Kathleen Imig Perkins, the attorney assigned to this matter, at 202/523-4175 within ten days of your receipt of this letter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

cc: Karen Kessler

COMMISSION

'79 MAY 29 AM 8:59

[illegible] park avenue
new york 10021
(212) 421-2188

Mr. William Oldaker
General Counsel
Federal Election Commission
1325 K St. NW
Washington, D.C. 20463

902528

May 25, 1979

Dear Mr. Oldaker:

This letter will serve as my reply to the Federal Election Commission's investigation into my political contributions, MUR 920.

I will address the points I enumerated in my November 13, 1979 + Nov. 4th correspondence with Neil Staebler. My initial contributions made on October 6, 1978 totalled $24,990.

1) The pledge to Pell was not honored nor called in by the Pell committee. According to a phone conversation with Joanne Steneck of yourorganization this does not count toward my federal limit.

2) The Dellums fundraiser: I do not believe that the $100 payment should be charged against my $25,000 limit since Harold Willens paid it without my knowledge.

3) The contributions to Russell Hemenway ($500) and Bella Abzug($1000) for a special election January 1978 should have been included: this was an oversight.

4) The Women's Campaign Fund promptly repaid their debt of $2972.78. Ms. Joanne Steneck called this "normal business practice" which need not be reported according to regulation 114.9(d).

5) Itemization for the two Scheuer events is enclosed. The combined total for out-of-pocket expenses for food,invitations,postage and beverages total $437.04. This does not include the time my paid staff spent on these events.

6) I do not see point 6 addressed in the law.

Please advise me with a written copy to my staff assistant, Karen Kessler if your investigation will require any further information.

Sincerely,

Stewart R. Mott

cc: Karen Kessler
John P. Hodgkin

encl.

7 9 0 4 0 1 6 1 3 8 5

RECEIVED
FEDERAL ELECTION
COMMISSION

stewart rawlings mott
800 park avenue
new york 10021
(212) 421-2188

'79 MAY 29 AM 8:58

6 October 1978

Dear Candidate:

I'm pleased to be able to send you this enclosed donation to support your campaign for federal office.

I wish it could have been sent sooner--
--and I wish it could be larger!

My decision to support you has been based on many factors: voting record, press reports, personal contact, and most especially by the advice of Russ Hemenway at the National Committee for an Effective Congress and by Carol Randles at the Women's Campaign Fund. I serve on the Board of NCEC and helped to found WCF. Their counsel is most valuable to me.

Primary considerations for me in assessing your race are:

A SANE FOREIGN AND MILITARY POLICY
THE NEED FOR WORLDWIDE CONTRACEPTIVE & ABORTION PROGRAMS
EQUAL RIGHTS FOR MEN AND WOMEN
CIVIL LIBERTIES, ESPECIALLY FREEDOM OF SPEECH

I hope you will continue to prove yourself a champion of the concerns listed above; I'd be sad if you disappointed me on any of these issues.

This donation might have been larger were it not for the obnoxious provisions of the so-called campaign finance "reform" laws (which you may have favored?) which limit my total giving to a ceiling of $25,000 annually. From the enclosed list you'll see that I'm scratching up against the "fat-cat" ceiling and that it's a very painful decision to have to limit the size of my gift to you.

I hope that once you're in the 96th Congress I'll be able to help you in many ways beyond this campaign gift. I'm active with many Washington-based organizations which can assist you in your work:

THE FUND FOR PEACE--Center for Defense Information, Center for Nat'l. Securities Studies, Center for Intl. Development, In the Public Interest radio program.
PLANNED PARENTHOOD FEDERATION OF AMERICA
POPULATION INSTITUTE--Population Action Council
POPULATION CRISIS COMMITTEE
FUND FOR CONSTITUTIONAL GOVERNMENT--Almanac of American Politics, Honest Gov't. Project, Military Audit Project

I'm on the Board of Directors of each of these groups and can assure you of their cooperation with you in your committee work.

For the purpose of listing me in your FEC reports, use the address above and list my occupation as "maverick".

Best wishes; I hope you win!

Stewart

79040161386

STEWART R. MOTT -- POLITICAL SUPPORT 1978 (as of 10/78)

SENATE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Ak	Pryor	$ 500	Mn	Anderson	$ 500
Co	Haskell	2000	Mt	Baucus	1000
Ia	Clark	1500	NJ	Bradley	500
Ka	Roy	1000	NC	Hodges	1000
Me	Hathaway	1000	SC	Ravenel	1500
Md	Brooke	500	SD	Steffensen	500
Mi	Levin	1000	Tn	Christie	1000
Mn	Humphrey	500	Va	Duval	500

Total SENATE----------$14,500

HOUSE:

STATE		CANDIDATE	AMOUNT	STATE		CANDIDATE	AMOUNT
Az	2	Udall	$150	NJ	3	Maguire	$100
Ca	2	Bork	200	NJ	13	Meyner	450
Co	1	Schroeder	450	NY	2	Downey	150
Co	2	Hinth	900	NY	9	Ferrare	450
Ct	5	Ratchford	100	NY	11	Scheuer	450
Ga	6	Shepard	450	NY	18	Burden	450
Il	10	Mikva	900	NY	29	Pattison	900
Il	22	Price	100	NY	30	Barila	300
In	6	Evans	100	NC	5	Neal	100
Ia	2	Blouin	100	Oh	3	Hall	100
Ia	5	Harkin	300	Pa	7	Edgar	450
Ks	2	Keys	450	Pa	8	Kostamayer	250
Ma	5	Shannon	100	Pa	22	Lemerman	100
Ma	6	Marrovles	100	SC	2	Bass	100
Mi	3	Wolpe	450	SC	4	Hollez	100
Mi	6	Carr	250	SD	1	Daschle	100
Mn	3	Freeman	100	Tx	8	Eckhardt	150
Mt	1	Williams	100	Tx	24	Frost	250
Nb	1	Dyas	100	Va	8	Harris	100

Total HOUSE----------$10,450

Total Federal Support----------$24,950

schwart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

4 November 78

Commissioner Neil O. Staebler
F.E.C. 1325 K St NW
Washington D C 20463

Dear Neil:

Ever since I "sat at your knee" eleven years ago to talk about my possible race for Congress from Flint, I've felt that you've taken an avuncular interest in me and my political evolution. Your November 2 letter attests to that. Thank you! You're a mix between a father confessor and stern rabbi!

Neil, I still find it odd that the Supreme Court found it constitutional that Congress could limit donations to $1000 per candidate per election. If Congress were to pass a law limiting the number of volunteer hours I might expend for the 1980 Presidential candidate(s), then the Court--following the Buckley-Valeo logic--would uphold the right of Congress to write its own rules once again.

To quote your letter, "the weight of big givers...was conveying a sense of futility." Well, Mary Jones, the volunteer who can contribute 1000 hours to a campaign, she has a bigger weight and influence than I do with a $1000. So does Jack Smith, the media expert, who's able to contribute his time--worth maybe $5-10,000. So what are we to do with Mary Jones, Jack Smith, John Denver, George Meany, Frank Sinatra, Billy Graham or even Miss Lillian? EQUALIZE THEM ALL? Cut them off at the knees? And if Congress wrote such rules, the Court would uphold them and you would enforce them?

As you know, Neil, so many diverse elements go into a campaign: intelligence, humor, integrity, eloquence, compassion, foresight, craftiness, tenacity, good health, billboards, bumper stickers, endorsements, TV time, editorials.....and money. Just because money is measurable--and there's no yardstick for integrity--then it's OK to legislate and put limits on money. By legislating/limiting money, Congress limits TV time, xeroxing, paid staff, telephone banks, buttons--every single kind of SPEECH that costs money.

Yes, I think it's an OBNOXIOUS law that augurs for more and more government control over the entire political process in America. I think that if the American public really and truly understood the consequences of FECA'74 and its absurd body of regulations and bureaucracy, they'd vote against it.

Neil, I appreciate your suggestion that I help promote the $1 check-off, but I promise you there's NO WAY that I'd dream of encouraging the collection of funds that preserves and promotes and enshrines the Democratic Party and Republican Party as the two OFFICIAL political parties of the USA. Neither can I stomach the fact that the FEC is designed to be bi-partisan.

I am curious about your citation of $53 million from donors of $10,000+ in 1972. Those are all from individuals? None from PAC's or multi-candidate groups like NCEC? And does that figure count all political gifts or just federal campaign gifts? Without knowing the answer to this latter question, I couldn't know the denominator against which to measure the magnitude or percentage. I'm sending a copy of your letter (hope you don't mind) along with this reply, to Herb Alexander in the hopes that he can give me fuller data. Or do you have it in your files?

I'm also curious about the role of fat-cats in politics as compared to the role of fat-cats in philanthropy. Is the profile of fat-cat giving in politics very much like the profile of fat-cat giving in philanthropy? Or quite different? Maybe Jack Schwartz

at the American Association of Fund-Raising Counsel could answer that question.

And I do wonder whether "the weight of big givers" does indeed convey a "sense of futility" to the small contributors in philanthropic campaigns? Is it true that a John Doe feels futile--or feels a disincentive--to give his $15 to the United Way when a C. S. Mott can give $15,000?

In your last paragraph you lament the decline of political party influence. My politic education in the 1960's and 1970's has been marked by the following events:

1. My refusal to run for Congress in 1968 because I could not stomach the Vietnam policies of LBJ.
2. My discouragement in Chicago when I realized that the nomination was rigged a year or two in advance by party rules for delegate selection.
3. My anger at Larry O'Brien and Bob Strauss for trying to ignore many of the McGovern-Fraser rules.
4. The continuing lack of "accountability" on the part of the DNC re party finance. Try writing to the DNC for an Annual Financial Report or next year's budget; you won't get one.
5. The lack of party support for George McGovern.
6. The attempt by Bob Strauss to divert money from McGovern in order to pay off the Humphrey debt.
7. The refusal of the DNC to allow its Mid-Term Conference to deal with <u>issues</u>.
8. The RNC sat on its fanny all through the dreadful impeachment process.

Why should I--or the millions of Americans who witnessed many of these events--have any respect for the two national parties? Why should anyone bust his/her ass to to develop reasonable/progressive platforms at the national conventions when elected leadership ignores the platforms? I really can't see why anyone 40-or-younger who began voting in the 1960's would give a boot or a holler about the DNC or RNC.

Having "taken you on" with these remarks, I realize that I've challenged you with questions and comments that might take a whole book for reply. Rather than subject you to that chore, may I instead offer to take you to lunch next time I'm in D.C.?

Finally, if you don't mind having lunch with a criminal, I must confess to you that I'm <u>illegal</u>. Neil, I sent you a copy of my 10/6/78 letter summarizing my gifts to 1978 candidates, a total of $24,950. Alas and alack, I'm illegal in two ways:

1. After sending all these checks and composing that letter, I remembered several days later that I had been at a fund-raiser for Claiborne Pell about a year ago and had pledged $500 to his '78 re-election; but I had never gotten around to paying up. Since the pledge is equivalent to a contribution according to your outrageous and ingenious law, I'm <u>illegal</u>.

2. On 10/29/78 I was meeting Harold Willens in Santa Monica at the home of Tom Hayden and Jane Fonda for a party which I knew to be a fund-raiser at $25 per person. When I arrived, I offered a $100 bill at the door for myself and three friends. The doorkeeper told me I didn't need to pay since Harold had paid for me. Not until I was inside did I realize that it was a fund-raiser for Ron Dellums! So Harold made a "gift in the name of another person" and I accepted his kind hospitality as my host for that weekend, so I guess we're <u>both illegal</u>.

Pray tell, what should I do to return to the side of the angels?

If you can't think of any way to cure my transgressions, I'll surrender at that lunch we're going to have. Be sure to bring handcuffs!

Stewart

stewart rawlings mott

13 November 78

Hon. Neil G. Staebler

--continuation of 11/4/78 letter--

Dear Neil:

Wow! I just discovered that I'm really in deep trouble.

Since writing to you on 11/4, I came across two additional violations of the FECA which are substantial, and I might as well mention two others that are minor. You'll remember that my 10/6/78 report totalled $28,950. Well, one candidate, Max Heller, sent back his $100 saying he didn't need or want it. That brought me down to $24,850. But I had forgotten a $100 amount to the Council for a Livable World, and I hadn't bothered to list $25 to the DNC and $15 to the RNC (I like to receive their mailings), so my presumed total was $24,990. But herewith the six transgressions:

1. The $500 pledge to Pell mentioned in my 11/4 letter.

2. The $100 gift on my behalf by Harold Willens to Ron Dellums.

3. In 1977 I gave $500 each to Russ Hemenway and Bella Abzug to help them seek the 18th C.D. nomination for the vacant Koch seat. Then when Bella won the nomination, I gave her an additional $500 in January '78. Total of $1500. The young woman who helped me prepare the 10/6/78 list, Karen Keebler, had not realized that the $1500 counted toward my 1978 ceiling of $25,000. The people who supplied her with my records, John Hodgkin and Gertrude Myers, had not flagged the amounts. Russ Hemenway, who sat with me on 10/6 to plan the final donations, didn't remember it. I didn't remember it. On a scale of 1-10, in terms of familiarity with the law and awareness of its provisions, I reckon you'd rate Russ and me at 9, John at 7, Gertrude at 5, Karen (who's new on my staff) at 2. We're all guilty as hell. Karen didn't know the difference, being new, but Russ and I know the law well enough to realize that the by-election totals count toward the calendar year totals; so we both violated the law! Incidentally, had the by-election taken place in December 1977, there would have been no violation, right? That sure is a funny, funny law you administer, Neil.

4. Last Friday I did a financial review of my Balance Sheet for 9/30/78 and discovered a startling item: Accounts Receivable, Women's Campaign Fund: $2200. I asked my CPA $ tax advisor staffer, John Hodgkin, to explain it to me. Well, it seems that my bookeeper, Gertrude Myers, who has been a very active volunteer on behalf of the Women's Campaign Fund, helped run a benefit party here in NYC to raise $$$ for WCF. And, as is normal for groups that I support, money was advanced from my bank account to WCF as "front money" to pay for stamps, printing bills, a paid staffer, and other miscellany to get the benefit party under way. Subsequently, as donations flowed in for the benefit, the advanced $2200 was repaid to my bank account. All this took place with only a peripheral awareness on my part. Why? Because it's the normal way I help groups I support. I'm in the "business" of philanthropy and public service and it's a very ordinary thing for me to advance money in that way. But OOPS, when I do it for a political committee, all of a sudden it's illegal. I forgot. Gertrude and John Hodgkin forgot. We didn't remember that the haunting presence of John Gardner, Common Cause, the FEC, and Supreme Court (& Congress) were all right behind our tracks and would find the whole lot of us ILLEGAL. Damn! I frankly didn't know about it until four days ago. I hasten to report myself and turn myself in. Got the handcuffs ready?

5. A minor item. I gave two fund-raisers for Jim Scheuer in appreciation for all he has done to advance the cause of population in Congress. One was at my D.C. home & office

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at 122 Maryland Avenue, a place where I spend 5-6 days every month. The other was at my family apartment at the Hampshire House in NYC, which is a convenience apartment for family members visiting the Big Apple and for business and personal friends of mine who pass through town. Both are private residence facilities. On each event I spent less that the $500 ceiling on "invitations, food and beverages." But I used two different residences. Seems to me that the spirit of that provision of the FECA was meant to be limited to one residence. True? Any regulations on that? Could I also have had a party here at my current real residence at 800 Park in NYC? And another at the place I'm fixing up to become my residence for the next several decades at 1133 Fifth in NYC? Can a person have as many as two or even four different "residences" for that provision of the law?

I realize that, not being a candidate or a committee, I'm not entitled under the law to ask for an Advisory Opinion on this point of law, so you guys at the FEC leave characters like me entirely at the mercy of our own very fallible judgements on matters of profound importance like this. So what am I to do? Should I have asked Scheuer to have engaged counsel 5-6 months ago to research this fine point of law and, if no regulation exists, to have sought an Advisory Opinion back in April?

Neil, where's the spontaneity in political participation if Scheuer and Mott should have been chilled by the FECA in a decision to have a party which took place only 4 weeks before the actual event?

6. Final minor item. My staff works on these things. My D.C. staff, Anne Zill and Diane Abelman, put in time on political activities. My NYC staff, Karen, Gertrude, John, plus John Cushing, secretary, and Barry Turner, sometimes bartender, all put in staff time on preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to. Let's face it. A lot of donors would never bother to report such paid staff time, because A) their total annual donations do not brush up against the ceiling of $25,000 per year, or B) because they ambiguously (and fraudulently?) claim that such staff time is "volunteered."

Neil, I must admit to you that if we had kept records on every single time my secretary answered a phone call or letter from a candidate that resulted in a political gift, or every expense for a fund-raising party that fell outside the definition of "invitations, food and beverages" then I'd have to report some $3-5,000 of in-kind giving not allowed by the law.

- - - - - - - -

OK, I've come clean and bared my heart and soul and criminality. What are you going to do about it? I've acknowledged to you that my political participation this year may amount to some $8000 in excess of the legal limits--none of which I was consciously aware of at the time I was doing it. Six different counts of wrong-doing.

Tell me, do you personally think there was anything wrong with my instincts and desires to help the cause of good politics in this country? Do you think I was exercising undue influence over the political process? Was I contributing to the "sense of futility" of the small contributor? Was I engaged in any venal act of self-service? Do I deserve to be chastised, subjected to a criminal proceeding (along with my "accomplices")? Should I go to jail and/or be fined severely?

I can't help but think there are hundreds of candidates and donors and other participants in the political process in this country who are constantly chilled by the provisions of the FECA and are worried continuously by possible infringements of the law. You doubtless get dozens of "mea culpa" letters like this confessing transgressions. How do you handle such admissions of guilt? I'm very curious to know.

Gimme another week or two and I'll probably think of other half-dozen violations.

I stand ready for your indictment! Stewart

7904016139

COSTS OF THE JIM SCHEUER BREAKFAST 10/12/78

FOOD	$86.71
CHAMPAGNE	$53.83
INVITATIONS	$40.70
POSTAGE	$60.00
subtotal	241.24
credit*	26.92
TOTAL	214.24

*case of unused champagne

COSTS OF JIM SCHEUER EVENT 11/1/78

GARDEN MARKET (VEGETABLES,CRACKERS,DIP)	47.63
BEVERAGE (FROM STOCK,NO PURCHASE)	50.00
FRASER MORRIS (CHEESE)	26.25
ICE	21.00
INVITATIONS	32.92
POSTAGE	45.00
TOTAL	$ 222.80

7904016139 2

RECEIVED OF PETTY CASH

AMOUNT $ 26.25 NO.

6598

Nov. 1 '78

FOR Fraser-Morris - (Cheese) - Will

Jon Scheuer Fundraiser

CHARGE TO

APPROVED BY

RECEIVED BY

AD 11

FRASER - MORRIS
FINE FOODS INC.

NEW YORK'S FINEST GOURMET SHOP
901 MADISON AVE. AT 74th STREET
NEW YORK, N.Y. 10021
212 - 988-0700

PERFORMANCE NO. 03957

CHARGE ☐
CASH ☒
COD ☐
C/C ☐

CHARGE TO Mott

ADDRESS

ORDER DATE 11/1/78

DELIVERY DATE

QUANTITY	DESCRIPTION	AMOUNT
1	Mustard	4 95
2	Brie	10 90
3	Cheddar	10 40
4		
5		26 25
6		
7		
8		
9		
10		
11		
12		
13		

Paid

TOTAL

SHIP TO

ADDRESS

7 9 0 4 0 1 6 1 3 9 3

RECEIVED OF PETTY CASH

AMOUNT $ 21.00 NO.

Nov. 1 78

FOR Ice for Scheuer ($20.00 + $1 tip)

Kaufman Pay

CHARGE TO

APPROVED BY

RECEIVED BY

AD 11

6528

RECEIVED OF PETTY CASH

AMOUNT $ 32.92 NO.

10/13 78

FOR Copyquarters (Xeroxing Scheuer invites

CHARGE TO

APPROVED BY

RECEIVED BY

AD 11

6528

COPYQUARTERS

1609 Second Ave. 879 984

Date: 10/13

No. of Copies		Amount
650	Xer	10.25
360	Xer	5.80
325	Xer	6.17
Cutting		1.20
Folding		9.50
		32.92

Name: Mall TOTAL

RECEIVED OF PETTY CASH

AMOUNT $ 32.92 NO.

10/13 78

FOR Copyquarters (Xeroxing Scheuer invites

CHARGE TO

APPROVED BY

RECEIVED BY

AD 11

6528

RN. 4-

B. BRUSCA

ICE - COAL AND LOGS - ICE CUBES

For Bars - Restaurants - Homes

1693 THIRD AVENUE / NEW YORK, N. Y. 10022

59 [illegible] 1-

150 - Sept Pet S.

	DRY ICE	
	CRUSHED ICE	
	CAKES OF ICE	not 240
2	TUBS ICE CUBES	
	LOGS	20.00
	CANNEL COAL	
	PRES-TO LOGS	
	BRIQUETTES, CHARCOAL	
	KINDLE SIGHTER	
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STATEMENT

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800 PARK AVE
N Y N Y 10021

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10	31	171404	8.59	
11	1	198935	14.45	
11	1	198910	33.18	
11	2	197007	2.25	
11	3	195786	18.10	
11	3	199076	3.80	
11	6	494246	21.96	
11	8	200258	9.97	
11	8	195682	20.13	
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EWART RAWLINGS MOTT
800 PARK AVENUE
NEW YORK, N.Y. 10021

DDRESS CORRECTION REQUESTED

CENTRAL STA 10017

NEW YORK, NY 10017 MAY 25 PM

Mr. William Oldaker
Federal Election Commission
General Counsel
1325 K St. N.W.
Washington, D.C. 20463

RE: MUR 920

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 MAY 29 AM 8:59

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

May 16, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission's investigation was generated by referral of your correspondence with former Commissioner Neil O. Stabler in which you indicated that you had committed certain violations of the Act.

Specifically, the Commission has found reason to believe that you may have exceeded the annual aggregate contribution limitation for calendar year 1978, 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5. In addition, the Commission is investigating whether your combined expenses for the two fund-raisers you hosted for Candidate Jim Scheuer exceeded the $500 limitation of 11 C.F.R. §100.4(b)(4). We have numbered this matter MUR 920.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In particular, please provide the Commission with the total amount of your expenses in connection with the two Scheuer fund-raisers and any records including cancelled checks and copies of invoices in connection with those two events. Where appropriate, statements should be submitted under oath.

Sincerely,

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

REO
5/15/79

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission's investigation was generated by referral of your correspondence with former Commissioner Neil O. Stabler in which you indicated that you had committed certain violations of the Act.

Specifically, the Commission has found reason to believe that you may have exceeded the annual aggregate contribution limitation for calendar year 1978, 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5. In addition, the Commission is investigating whether your combined expenses for the two fund-raisers you hosted for Candidate Jim Scheuer exceeded the $500 limitation of 11 C.F.R. §100.4(b)(4). We have numbered this matter MUR 920.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In particular, please provide the Commission with the total amount of your expenses in connection with the two Scheuer fund-raisers and any records including cancelled checks and copies of invoices in connection with those two events. Where appropriate, statements should be submitted under oath.

Sincerely,

William C. Oldaker
General Counsel

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on May 14, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated May 9, 1979, regarding the above-captioned matter:

1. Find reason to believe that Stewart Rawlings Mott may have violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein.

2. Approve and send the letter attached to the above-named report.

Voting for this determination were Commissioners Aikens, Friedersdorf, Harris, McGarry, and Tiernan.

Attest:

5/15/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 5-10-79, 11:23
Circulated on 48 hour vote basis: 5-10-79, 4:30

7904016140 0

May 10, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 920

Please have the attached General Counsel's Report on MUR 920 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904016140 1

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 MAY 10 A11: 23

In the Matter of)
Stewart Rawlings Mott) MUR 920
)

GENERAL COUNSEL'S REPORT

Introduction

This matter was initially before the Commission on February 8, 1979 in the form of a Pre-MUR Memorandum. The Pre-MUR was generated by referral from Commissioner Neil Stabler based upon his correspondence with Stewart Mott. See General Counsel's Pre-MUR Memorandum dated January 30, 1979, and Attachments. After discussion, the Commission voted to open an investigation in this matter to determine:

1) Whether Mr. Mott exceeded the limitations of 2 U.S.C. §441a(a)(1)(A) in his total 1978 contributions to Jim Scheuer; and

2) The precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation for calendar year 1978, 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

Contributions to Candidate Jim Scheuer (1978)

As discussed in the Pre-MUR Memorandum (p.4), Mr. Mott held two fund-raisers for Jim Scheuer during 1978, one at each of two Mott residences, one on October 12, 1978, and one on November 1, 1978. Mr. Mott states that he spent less than "the $500 ceiling" on each event. However, Commission regulations limit expenses for such residential fundraisers to "$500 with respect to an election," of a candidate. 11 C.F.R. §100.4(b)(4). Both Mott fundraisers would appear to be in connection with Representative Scheuer's general election campaign since the New York primary was held on September 12, 1978. Thus, to the extent that Mr. Mott's "residential"

7904016402

expenses for Scheuer fund-raisers exceed the $500.00 limit, those expenses would be considered an in-kind contribution to the Scheuer campaign, allocable to Mr. Mott's 1978 aggregate contribution limitation. In addition, Mr. Mott made a direct contribution to the Scheuer campaign in the amount of $450, on October 11, 1978. Therefore, to the extent that these "residential" expenses exceed the $500. limitation by more than $550.00, Mr. Mott would also have exceeded the contribution limitation of 2 U.S.C. §441a(a)(1)(A).

Therefore, the Office of General Counsel recommends that the Commission send the attached letter to Stewart Rawlings Mott to determine the total amount spent on the two Scheuer fund-raisers.

<u>$25,000 Annual Contribution Limitation</u>

FECA and the Commission's regulations limit individual contributions to no more than an aggregated $25,000 in any calendar year. 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5. Mr. Mott's total annual contributions for the 1978 calendar year appear as follows:

1)	As shown on the Commission's G Index	$24,050
2)	Not on G Index but verified by checking candidate reports	2,350
3)	$100 contributions to House candidates, disclosed by Mr. Mott but not required to be reported by candidates	700
4)	Possible in-kind contributions to Jim Scheuer	?
	TOTAL	$28,100

Therefore, it appears that Mr. Mott has exceeded FECA's $25,000 annual aggregate contribution limitation by $3,100 or more. The Office of General Counsel recommends that the Commission find reason to believe that Stewart Rawlings Mott may have violated

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2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in the total amount of $28,100 or more depending upon the total expenses he incurred for the two Jim Scheuer fund-raisers.

Recommendations

1. Find reason to believe that Stewart Rawlings Mott may have violated 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 by making contributions during calendar year 1978 in excess of the $25,000 limitation contained therein.

2. Approve and send the attached letter.

5/9/79
Date

William C. Oldaker
General Counsel

Attachments

Pre-MUR Memorandum
Letter to Respondent

7904016140 4

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION 79 JAN 30 P 2: 26

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

January 30, 1979

MEMORANDUM

TO: THE COMMISSION

FROM: WILLIAM C. OLDAKER
GENERAL COUNSEL

SUBJECT: Pre-MUR referral from Neil Staebler - Possible FECA Violations Reported by Stewart Rawlings Mott

On November 30, 1978, Neil Staebler referred to the Office of General Counsel a series of correspondence between himself and Stewart Rawlings Mott. In some of this correspondence, Mr. Mott disclosed facts which he felt might represent violations of FECA on his part. Mr. Staebler asked that the Office of General Counsel review the correspondence "for whatever disposition you think appropriate.

Mr. Mott outlines four possible FECA violations:

(1) Exceeding the $25,000 annual aggregate contribution limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

(2) Making a contribution in the name of another in violation of 2 U.S.C. §441f; 11 C.F.R. §110.4(b).

(3) Not including in his computation of his yearly contributions at least one of two fund-raisers hosted for Jim Scheuer at two of Mr. Mott's residences - one in N.Y City and one in D.C. Mr. Mott states that "[o]n each event I spent less that[n](sic) the $500 ceiling on 'invitations, food and beverages.'" 2 U.S.C. §431(e)(5)(B), 11 C.F.R. §100.4(b)(4).

(4) Paying the salaries of his staff who do political work for him - "preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to". Is paying said salaries a political "contribution" which should be included in the $25,000 annual limitation?

Preliminary Analysis

A. $25,000 Annual Contribution Limitation

It is possible that Mr. Mott has exceed the $25,000 annual aggregate contribution limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 for the calendar year 1978. Mr. Mott's contributions to federal candidates for 1978, according to his own calculations, totalled $24,950 as of October, 1978. However, Mr. Mott's subsequent calculations and correspondence with Mr. Staebler disclosed additional possible contributions totalling $4,240 as follows:

Pledge to Claiborne Pell	+	$ 500	
Return of contribution (Max Heller)	-	100	
Council for a Livable World	+	100	
DNC	+	25	
RNC	+	15	
Russ Hemenway	+	500	(Contributions
Bella Abzug	+	1,000	made in 1977 but for 1978 election)
Women's Campaign Fund	+	2,200	Loan
		$ 4,240	

Mr. Mott is correct that the pledge to Claiborne Pell, if in the form of a signed pledge card, is considered under FECA to be a contribution at the time that the pledge was made. See definition of contribution at 2 U.S.C. §431(e)(2), 11 C.F.R. §100.4(a)(3). However, a review of reports filed on behalf of Claiborne Pell disclosed no such pledge from Mr. Mott and no contribution from Mr. Mott. This would seem to indicate that the pledge was not in writing unless the Pell reports are in error. If the pledge was not in written form and signed by Mr. Mott, it would not count against his 1978 $25,000 limitation.

The $100 contribution to the Council for a Livable World should be included in the 1978 total. However, it is interesting to note that the reports filed by the Council for a Livable World during 1978 do not disclose a $100 contribution from Mr. Mott.

The contributions made in 1977 to Hemenway/Abzug would also be counted against the 1978 aggregate contribution limitation. See 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.4(b)(1). The special party nominating convention for the 18th Congressional District seat (the seat vacated by Mayor Koch) was held on January 15, 1978 and the special election was held on February 14, 1978.

Reports filed on behalf of Bella Abzug disclose two $500 contributions from Stewart Mott in connection with the 1978 election - one on 12/16/77 and one on 1/26/78. Russell Hemenway's reports disclose a $500 contribution from Stewart R. Mott on 12/5/77. Therefore, this $1,500 would have to be included in Mr. Mott's 1978 $25,000 limitation.

In addition, the loan to the Women's Campaign Fund would be considered a contribution chargeable to the 1978 limitation unless the loan was paid back during 1978. However, reports of the Women's Campaign Fund during this period (the loan was supposedly made on or about September 30, 1978) disclose no such loan from Mr. Mott. Indeed, the reports state that the Fund received no loans at all from any source and no contribution or loan from Mr. Mott. [Reports checked were the 30 Day Post-General Election, the 7 Day Pre-General Election and the September Monthly.] The Women's Campaign Fund, however, does maintain a "WCF Restricted State and Local Account." If Mr. Mott's loan was deposited in this account and not used in connection with a federal election, it would not count against his $25,000 limitation.

B. "Gift in the Name of Another"

The Federal Election Campaign Act prohibits a person from making contributions in the name of another, permitting his name to be used to effect such a contribution or accepting such a contribution. 2 U.S.C. §441f, 11 C.F.R. §110.4(b). Mr. Mott asserts that since one Harold Willens paid $100 for Mr. Mott and three friends to attend a political fund-raiser for Ron Dellums that Mr. Willens made a "contribution in the name of another" to the Dellums campaign. On the contrary, it would appear from the facts that Mr. Willens made a contribution in his own name to the Dellums campaign and a gift to Mr. Mott. Supporting this analysis is the fact that the Dellum reports disclose only a $100 contribution from Harold Willens and none from Stewart Mott. Thus, Mr. Willens does not appear to have made a "contribution in the name of another" - at least not in Stewart Mott's name to Ron Dellums. Mr. Mott seems to have misinterpreted 2 U.S.C. §441f and 11 C.F.R. §110.4(b).

C. Candidate - Related Activities on Individual's Residential Premises - 2 U.S.C. §431(e)(5)(B), 11 C.F.R. §100.4(b)(4).

> FECA excepts from the definition of "contribution" the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate - related activites;

2 U.S.C. §431(e)(5)(B) (Emphasis added). The Commission's regulations limit this exception "to the extent that the cumulative value of those activities by the individual on behalf of the candidate do not exceed $500 with respect to an election." 11 C.F.R. §100.4(b)(4). Mr. Mott fears that the fact that he had two fund-raisers for Jim Scheuer - one at his "D.C. home and office" and one at his "family apartment" in New York City - would take one of them out of the "residential premises" exception. However, Mr. Mott is in error in his assumption that an individual can only have one residence. Black's Law Dictionary, quoting a New York case states

> ... a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed and permanent home. Residence simply requires bodily presence as an inhabitant in a given place... Black's Law Dictionary 1473 (4th ed. 1951).

Thus, if Mr. Mott in some sense lived in each of the two apartments, each could be termed a "residence" for purposes of FECA and the regulations.

However, the Commission's regulations limit the extent of this exception to the definition of a contribution to a candidate to an amount not exceeding "$500 with respect to an election." Mr. Mott states that he spent less than "the $500 ceiling" on each event. However, the limitation of 11 C.F.R. §100.4(b)(4) is a cumulative amount not exceeding "$500 with respect to an election" on behalf of a candidate. Therefore, to the extent that the total of Mr. Mott's expenses in connection with 1978 election candidate - related activities (for any candidate) on his residential premises exceed $500, such excess amount would constitute a "contribution" to be included in Mr. Mott's $25,000 annual total.

Scheuer for Congress reports do disclose the two fundraisers -one at "Home of Stewart Mott" - 122 Maryland Avenue, N.E., Washington, D.C." and one at "Suite 2403, Hampshire House, 150 Central Park South, NYC." The reports also disclose the $450 contribution from Mr. Mott which Mr. Mott also lists. If Mr. Mott's "residential" expenses for Scheuer fund-raisers exceed the $500 limit by more than $550, Mr. Mott would then have also exceeded the contribution limitation of 2 U.S.C. §441a(a)(1)(A).

Conclusion

The correspondence from Stewart Mott, then, discloses two possible FECA violations - exceeding the $25,000 annual contribution limitation for 1978 and exceeding the contribution limitation of 2 U.S.C. §441a(a)(1)(A) as outlined directly above. The tally is as follows:

Stewart Mott's total (10/78)		$24,950
Claiborne Pell Pledge (Not Reported)		(500)
Return - Max Heller	-	100
Council for a Livable World (Not Reported)		(100)
DNC	+	25
RNC	+	15
Russ Hemenway (Reported)	+	500
Bella Abzug (Reported)	+	1,000
Women's Campaign Fund (Loan) (Not Reported)		(2,200)
Excess Spent on "Residential" Fundraiser for Jim Scheuer over $500		?
Total of Clear Contributions for 1978		$26,390

Thus, even giving benefit of the doubt for pledges, contributions and loans not reported, Mr. Mott would seem to have exceeded the $25,000 limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 for 1978.

The Office of General Counsel, therefore, recommends that the Commission open a MUR and investigate the precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation and whether he exceeded the limitation of 2 U.S.C. §441a(a)(1)(A) in his total 1978 contributions to Jim Scheuer.

Attachments

1. Referral
2. Mott/Staebler Correspondence
3. Memo to File - Public Communications

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Stewart R. Mott
800 Park Avenue
New York, N.Y. 10021

RE: MUR 920

Dear Mr. Mott:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found reason to believe that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Commission's investigation was generated by referral of your correspondence with former Commissioner Neil O. Stabler in which you indicated that you had committed certain violations of the Act.

Specifically, the Commission has found reason to believe that you may have exceeded the annual aggregate contribution limitation for calendar year 1978, 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5. In addition, the Commission is investigating whether your combined expenses for the two fund-raisers you hosted for Candidate Jim Scheuer exceeded the $500 limitation of 11 C.F.R. §100.4(b)(4). We have numbered this matter MUR 920.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. In particular, please provide the Commission with the total amount of your expenses in connection with the two Scheuer fund-raisers and any records including cancelled checks and copies of invoices in connection with those two events. Where appropriate, statements should be submitted under oath.

Sincerely,

William C. Oldaker
General Counsel

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 920
Stewart Rawlings Mott	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 14, 1979, the Commission determined by a vote of 6-0 to approve the recommendation, as set forth in the First General Counsel's Report dated March 9, 1979, to defer action pending the report for Reports Analysis.

ATTEST:

3/15/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: Friday, 3-9-79, 2:38
Circulated on 48 hour vote basis: Monday, 3-12-79, 4:30

7904016141

March 9, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 920

Please have the attached First General Counsel's Report on MUR 920 distributed to the Commission on a 48 hour tally basis.

Thank you.

7904061412

FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

'9 MAR 9 P2:38

DATE AND TIME OF TRANSMITTAL
BY OGC TO COMMISSION MAR 9 1979

MUR NO. 920

STAFF MEMBER(S) Kathleen Imig Perkins

SOURCE OF MUR: INTERNALLY GENERATED

RESPONDENT'S NAME: Stewart Rawlings Mott

RELEVANT STATUTE: 2 U.S.C. §§ 441a(a)(1)(A), 441a(a)(3); 11 C.F.R. § 110.5

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED:

GENERATION OF MATTER

On February 9, 1979, the Commission determined to open a MUR to investigate the precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation, 2 U.S.C. § 441a(a)(3) and whether he exceeded the limitation of 2 U.S.C. § 441a (a)(1)(A) in his total 1978 contributions to Jim Scheuer. This matter was brought to the attention of the Commission upon a Pre-MUR referral from Neil Staebler.

The Office of General Counsel has requested the assistance of the Reports Analysis Division in doing a "G-Index" computer search of contributions made by individuals named Mott. The results of this search have not yet been sent to the Office of General Counsel. However, when the computer data is made available, we will forward our additional analysis to the Commission.

RECOMMENDATION

Defer action, pending the report from Reports Analysis.

7904016413

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OFFICE OF THE
COMMISSION SECRETARY
79 JAN 30 P 2: 26

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 30, 1979

MEMORANDUM

TO: THE COMMISSION

FROM: WILLIAM C. OLDAKER
GENERAL COUNSEL

SUBJECT: Pre-MUR referral from Neil Staebler - Possible FECA Violations Reported by Stewart Rawlings Mott

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(3) Not including in his computation of his yearly contributions at least one of two fund-raisers hosted for Jim Scheuer at two of Mr. Mott's residences - one in N.Y City and one in D.C. Mr. Mott states that "[o]n each event I spent less that[n](sic) the $500 ceiling on 'invitations, food and beverages.'" 2 U.S.C. §431(e)(5)(B), 11 C.F.R. §100.4(b)(4).

(4) Paying the salaries of his staff who do political work for him - "preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to". Is paying said salaries a political "contribution" which should be included in the $25,000 annual limitation?

Preliminary Analysis

A. $25,000 Annual Contribution Limitation

It is possible that Mr. Mott has exceed the $25,000 annual aggregate contribution limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 for the calendar year 1978. Mr. Mott's contributions to federal candidates for 1978, according to his own calculations, totalled $24,950 as of October, 1978.. However, Mr. Mott's subsequent calculations and correspondence with Mr. Staebler disclosed additional possible contributions totalling $4,240 as follows:

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Bella Abzug	+	1,000	made in 1977 but for 1978 election)
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The contributions made in 1977 to Hemenway/Abzug would also be counted against the 1978 aggregate contribution limitation. See 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.4(b)(1). The special party nominating convention for the 18th Congressional District seat (the seat vacated by Mayor Koch) was held on January 15, 1978 and the special election was held on February 14, 1978.

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In addition, the loan to the Women's Campaign Fund would be considered a contribution chargeable to the 1978 limitation unless the loan was paid back during 1978. However, reports of the Women's Campaign Fund during this period (the loan was supposedly made on or about September 30, 1978) disclose no such loan from Mr. Mott. Indeed, the reports state that the Fund received no loans at all from any source and no contribution or loan from Mr. Mott. [Reports checked were the 30 Day Post-General Election, the 7 Day Pre-General Election and the September Monthly.] The Women's Campaign Fund, however, does maintain a "WCF Restricted State and Local Account." If Mr. Mott's loan was deposited in this account and not used in connection with a federal election, it would not count against his $25,000 limitation.

B. "Gift in the Name of Another"

The Federal Election Campaign Act prohibits a person from making contributions in the name of another, permitting his name to be used to effect such a contribution or accepting such a contribution. 2 U.S.C. §441f, 11 C.F.R. §110.4(b). Mr. Mott asserts that since one Harold Willens paid $100 for Mr. Mott and three friends to attend a political fund-raiser for Ron Dellums that Mr. Willens made a "contribution in the name of another" to the Dellums campaign. On the contrary, it would appear from the facts that Mr. Willens made a contribution in his own name to the Dellums campaign and a gift to Mr. Mott. Supporting this analysis is the fact that the Dellum reports disclose only a $100 contribution from Harold Willens and none from Stewart Mott. Thus, Mr. Willens does not appear to have made a "contribution in the name of another" - at least not in Stewart Mott's name to Ron Dellums. Mr. Mott seems to have misinterpreted 2 U.S.C. §441f and 11 C.F.R. §110.4(b).

C. Candidate - Related Activities on Individual's Residential Premises - 2 U.S.C. §431(e)(5)(B), 11 C.F.R. §100.4(b)(4).

> FECA excepts from the definition of "contribution" the use of real or personal property and the cost of invitations, food, and beverages, voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate - related activites;

2 U.S.C. §431(e)(5)(B) (Emphasis added). The Commission's regulations limit this exception "to the extent that the cumulative value of those activities by the individual on behalf of the candidate do not exceed $500 with respect to an election." 11 C.F.R. §100.4(b)(4). Mr. Mott fears that the fact that he had two fund-raisers for Jim Scheuer - one at his "D.C. home and office" and one at his "family apartment" in New York City - would take one of them out of the "residential premises" exception. However, Mr. Mott is in error in his assumption that an individual can only have one residence. Black's Law Dictionary, quoting a New York case states

> ... a person may have two places of residence, as in the city and country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with intent to make it a fixed and permanent home. Residence simply requires bodily presence as an inhabitant in a given place... Black's Law Dictionary 1473 (4th ed. 1951).

Thus, if Mr. Mott in some sense lived in each of the two apartments, each could be termed a "residence" for purposes of FECA and the regulations.

However, the Commission's regulations limit the extent of this exception to the definition of a contribution to a candidate to an amount not exceeding "$500 with respect to an election." Mr. Mott states that he spent less than "the $500 ceiling" on each event. However, the limitation of 11 C.F.R. §100.4(b)(4) is a cumulative amount not exceeding "$500 with respect to an election" on behalf of a candidate. Therefore, to the extent that the total of Mr. Mott's expenses in connection with 1978 election candidate - related activities (for any candidate) on his residential premises exceed $500, such excess amount would constitute a "contribution" to be included in Mr. Mott's $25,000 annual total.

Scheuer for Congress reports do disclose the two fundraisers -one at "Home of Stewart Mott" - 122 Maryland Avenue, N.E., Washington, D.C." and one at "Suite 2403, Hampshire House, 150 Central Park South, NYC." The reports also disclose the $450 contribution from Mr. Mott which Mr. Mott also lists. If Mr. Mott's "residential" expenses for Scheuer fund-raisers exceed the $500 limit by more than $550, Mr. Mott would then have also exceeded the contribution limitation of 2 U.S.C. §441a(a)(1)(A).

Conclusion

The correspondence from Stewart Mott, then, discloses two possible FECA violations - exceeding the $25,000 annual contribution limitation for 1978 and exceeding the contribution limitation of 2 U.S.C. §441a(a)(1)(A) as outlined directly above. The tally is as follows:

Stewart Mott's total (10/78)		$24,950
Claiborne Pell Pledge (Not Reported)		(500)
Return - Max Heller	-	100
Council for a Livable World (Not Reported)		(100)
DNC	+	25
RNC	+	15
Russ Hemenway (Reported)	+	500
Bella Abzug (Reported)	+	1,000
Women's Campaign Fund (Loan) (Not Reported)		(2,200)
Excess Spent on "Residential" Fundraiser for Jim Scheuer over $500		?
Total of Clear Contributions for 1978		$26,390

Thus, even giving benefit of the doubt for pledges, contributions and loans not reported, Mr. Mott would seem to have exceeded the $25,000 limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 for 1978.

The Office of General Counsel, therefore, recommends that the Commission open a MUR and investigate the precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation and whether he exceeded the limitation of 2 U.S.C. §441a(a)(1)(A) in his total 1978 contributions to Jim Scheuer.

Attachments

1. Referral
2. Mott/Staebler Correspondence
3. Memo to File - Public Communications

MUR 920

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Stewart Rawlings Mott)

PRE MUR 21

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, certify that on February 8, 1979, the Commission determined by a vote of 4-1 to adopt the recommendation of the General Counsel to open a MUR in the above-captioned matter and investigate the precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation and whether he exceeded the limitation of 2 U.S.C. §441a(a)(1)(A) in his total 1978 contributions to Jim Scheuer.

Commissioners Harris, McGarry, Springer, and Thomson voted affirmatively for the above determination; Commissioner Tiernan dissented; Commissioner Aikens abstained from voting.

Attest:

2/9/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

7904016419

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS MWE

DATE: FEBRUARY 1, 1979

SUBJECT: PRE MUR 21 - Referral from Neil Staebler
Received in OCS 1-30-79

The above-named document was circulated on a 48 hour vote basis at 2:00, January 31, 1979.

Commissioner Tiernan submitted an objection at 3:47, February 1, 1979, thereby placing the matter on the Executive Session Agenda for February 7, 1979.

79040161420

January 30, 1979

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: Pre MUR 21

Pleasehave the attached Memo distributed to the Commission on a 48 hour tally basis.

Thank you.

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY
79 JAN 30 P 2: 26

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 30, 1979

MEMORANDUM

TO: THE COMMISSION

FROM: WILLIAM C. OLDAKER
GENERAL COUNSEL

SUBJECT: Pre-MUR referral from Neil Staebler - Possible FECA Violations Reported by Stewart Rawlings Mott

On November 30, 1978, Neil Staebler referred to the Office of General Counsel a series of correspondence between himself and Stewart Rawlings Mott. In some of this correspondence, Mr. Mott disclosed facts which he felt might represent violations of FECA on his part. Mr. Staebler asked that the Office of General Counsel review the correspondence "for whatever disposition you think appropriate.

Mr. Mott outlines four possible FECA violations:

(1) Exceeding the $25,000 annual aggregate contribution limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5.

(2) Making a contribution in the name of another in violation of 2 U.S.C. §441f; 11 C.F.R. §110.4(b).

(3) Not including in his computation of his yearly contributions at least one of two fund-raisers hosted for Jim Scheuer at two of Mr. Mott's residences - one in N.Y City and one in D.C. Mr. Mott states that "[o]n each event I spent less that[n](sic) the $500 ceiling on 'invitations, food and beverages.'" 2 U.S.C. §431(e)(5)(B), 11 C.F.R. §100.4(b)(4).

(4) Paying the salaries of his staff who do political work for him - "preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to". Is paying said salaries a political "contribution" which should be included in the $25,000 annual limitation?

0061422

Preliminary Analysis

A. $25,000 Annual Contribution Limitation

It is possible that Mr. Mott has exceed the $25,000 annual aggregate contribution limitation of 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.5 for the calendar year 1978. Mr. Mott's contributions to federal candidates for 1978, according to his own calculations, totalled $24,950 as of October, 1978. However, Mr. Mott's subsequent calculations and correspondence with Mr. Staebler disclosed additional possible contributions totalling $4,240 as follows:

Pledge to Claiborne Pell	+	$ 500	
Return of contribution (Max Heller)	-	100	
Council for a Livable World	+	100	
DNC	+	25	
RNC	+	15	
Russ Hemenway	+	500	(Contributions
Bella Abzug	+	1,000	made in 1977 but for 1978 election)
Women's Campaign Fund	+	2,200	Loan
		$ 4,240	

Mr. Mott is correct that the pledge to Claiborne Pell, if in the form of a signed pledge card, is considered under FECA to be a contribution at the time that the pledge was made. See definition of contribution at 2 U.S.C. §431(e)(2), 11 C.F.R. §100.4(a)(3). However, a review of reports filed on behalf of Claiborne Pell disclosed no such pledge from Mr. Mott and no contribution from Mr. Mott. This would seem to indicate that the pledge was not in writing unless the Pell reports are in error. If the pledge was not in written form and signed by Mr. Mott, it would not count against his 1978 $25,000 limitation.

The $100 contribution to the Council for a Livable World should be included in the 1978 total. However, it is interesting to note that the reports filed by the Council for a Livable World during 1978 do not disclose a $100 contribution from Mr. Mott.

The contributions made in 1977 to Hemenway/Abzug would also be counted against the 1978 aggregate contribution limitation. See 2 U.S.C. §441a(a)(3), 11 C.F.R. §110.4(b)(1). The special party nominating convention for the 18th Congressional District seat (the seat vacated by Mayor Koch) was held on January 15, 1978 and the special election was held on February 14, 1978.

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2 U.S.C. §431(e)(5)(B) (Emphasis added). The Commission's regulations limit this exception "to the extent that the cumulative value of those activities by the individual on behalf of the candidate do not exceed $500 with respect to an election." 11 C.F.R. §100.4(b)(4). Mr. Mott fears that the fact that he had two fund-raisers for Jim Scheuer - one at his "D.C. home and office" and one at his "family apartment" in New York City - would take one of them out of the "residential premises" exception. However, Mr. Mott is in error in his assumption that an individual can only have one residence. Black's Law Dictionary, quoting a New York case states

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The Office of General Counsel, therefore, recommends that the Commission open a MUR and investigate the precise extent to which Stewart Rawlings Mott exceeded FECA's $25,000 annual aggregate contribution limitation and whether he exceeded the limitation of 2 U.S.C. §441a(a)(1)(A) in his total 1978 contributions to Jim Scheuer.

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1. Referral
2. Mott/Staebler Correspondence
3. Memo to File - Public Communications

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PRE MUR 21

#532
11/30

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

To E. Garr
D/S make a Pre-mur assign to Donder
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B

November 30, 1978

MEMORANDUM TO: BILL OLDAKER

FROM: NEIL STAEBLER

RE: ATTACHED CORRESPONDENCE

Attached please find copies of recent correspondence I have had with Mr. Stewart Mott regarding his possible involvement in violations of the Act.

I am referring it to you for whatever disposition you think appropriate. I will forward any additional information I receive to your office.

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 29, 1978

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

Dear Stewart:

This refers to your letters of November 4 and 11, 1978, concerning your involvement in possible violations of the Federal Election Campaign Act of 1971, as amended, specifically the $25,000 annual individual contribution limitation contained in 2 U.S.C. §441a(a)(3). The Commission appreciates and encourages your efforts to voluntarily comply with the Act.

In order to expedite the handling of this matter, we request that you compile a list of all contributions which you believe may have placed you in violation of the $25,000 annual limitation, including any contributions to candidates for Federal office during 1977 or 1978 which were made with respect to the 1978 election, as well as contributions made during calendar year 1978 to the political committees established and maintained by a national political party or to any other multicandidate political committee.

Upon receipt of this information, the Commission will make a determination as to the existence of any and all violations of the Act.

Sincerely yours,

Neil O. Staebler

Neil O. Staebler

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 20, 1978

Mr. Stewart Rawlings Mott
800 Park Avenue
New York, N. Y. 10021

Dear Stewart:

I am delighted to have your letter of November 4 in which you suggest a lunch at which we can talk over the many items raised in our two letters. My phones are: office 523-4108, home 554-2289.

Meanwhile let me supply responses to some of your points so that we can advance our discussion more readily when we get together:

(1) You find it anomalous that the Supreme Court ruled it constitutional to limit money donations but not volunteer time. Did you notice that the Court ruled that there could be no limit on independent expenditures, which it equates with volunteer time? Its reasoning on donations is that this is not solely your own expression, as independent expenditures on your volunteer activity would be, but involves other considerations which the Court spelled out as warranting control, largely on the basis that money can be aggregated when many people pool it and it turns into a different thing than when spent by an individual or when an individual contributes time.

(2) You refer to the possibility that entertainers and other professionals might contribute time which has very considerable value and you ask why they shouldn't be equalized. You will note that the Commission has made some move in this direction by recognizing that the commercial value of entertainment, like the commercial value of gifts in kind, such as works of art, be recognized as contributions.

(3) You wonder whether the weight of big givers really conveys a sense of futility to small givers and you wonder whether the profile of fat-cat giving in politics may resemble

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fat-cat giving in philanthropy. In philanthropy, I find that every contribution from a big contributor stimulates other contributors, since people are not in competition for the outcome but are concerned only with the general purpose of the philanthropy. Note that in politics, there is competition for the mind and political intentions of candidates. I think there is actually less competition than the public thinks there is and the press constantly suggests. The impression people have is that candidates can be influenced by large contributions. This is surely true as far as accessibility is concerned and small givers are well aware of this. However, large contributors are generally not so naive that they think that they will change a person's thinking with a check; rather, they give checks to those whose thinking they agree with and hope to keep in office. But small contributors are inclined to accept the press version of influence and the larger the contribution (particularly in the days when there was no limit) had a very distressing effect as I discovered in the thousands of hours I have spent in raising money. I estimate that a third of my time in politics has been spent raising money.

(4) You have done well to send my letter to Herb Alexander. The figure of $53 million from donors of $10,000 and over in 1972 is his. These were presumably from all sources, individuals or groups, but there were not many PACs in 1972.

(5) Your approach to political parties is a very static one: they were bad in the past, therefore to hell with them. My approach has been that they were awful in the past and that we damned well better work on them to improve them. Part of our time when we get together ought to be given to a picture of how the Parties behaved in the period when I first got well acquainted postwar. The first reforms in the Democratic Party came at the 1952 convention when a group of us young Turks tried to break down some of the practices and failed. The next wave of reform occurred when we managed to elect Paul Butler as national chairman and he set up a committee on organization; we had to call it "organization" then because reform was a dirty word. You seem to take the present state

of the Parties as a given; on the contrary, the Democratic Party is very much open to reform and I surmise the Republican can be changed.

(6) Do you visualize politics without some sort of aggregating device such as a political party? What do you do for a Party until a new and satisfying one comes along or one of the old ones is reformed?

I'll look forward with pleasure to our chance to get together.

Sincerely,

Neil Staebler

7901061431

stewart rawlings mott
800 park avenue
new york 10021
[212] 421-2155

13 November 78

Hon. Neil O. Staebler

--continuation of 11/4/78 letter--

Dear Neil:

Wow! I just discovered that I'm really in deep trouble.

Since writing to you on 11/4, I came across two additional violations of the FECA which are substantial, and I might as well mention two others that are minor. You'll remember that my 10/6/78 report totalled $24,950. Well, one candidate, Max Heller, sent back his $100 saying he didn't need or want it. That brought me down to $24,850. But I had forgotten a $100 amount to the Council for a Livable World; and I hadn't bothered to list $25 to the DNC and $15 to the RNC (I like to receive their mailings), so my presumed total was $24,990. But herewith the six transgressions:

1. The $500 pledge to Pell mentioned in my 11/4 letter.

2. The $100 gift on my behalf by Harold Willens to Ron Dellums.

3. In 1977 I gave $500 each to Russ Hemenway and Bella Abzug to help them seek the 18th C.D. nomination for the vacant Koch seat. Then when Bella won the nomination, I gave her an additional $500 in January '78. Total of $1500. The young woman who helped me prepare the 10/6/78 list, Karen Kessler, had not realized that the $1500 counted toward my 1978 ceiling of $25,000. The people who supplied her with my records, John Hodgkin and Gertrude Myers, had not flagged the amounts. Russ Hemenway, who sat with me on 10/6 to plan the final donations, didn't remember it. I didn't remember it. On a scale of 1-10, in terms of familiarity with the law and awareness of its provisions I reckon you'd rate Russ and me at 9, John at 7, Gertrude at 5, Karen (who's new on my staff) at 2. We're all guilty as hell. Karen didn't know the difference, being new, but Russ and I know the law well enough to realize that the by-election totals count toward the calendar year totals; so we both violated the law! Incidentally, had the by-election taken place in December 1977, there would have been no violation, right? That sure is a funny, funny law you administer, Neil.

4. Last Friday I did a financial review of my Balance Sheet for 9/30/78 and discovered a startling item: Accounts Receivable, Women's Campaign Fund: $2200. I asked my CPA $ tax advisor staffer, John Hodgkin, to explain it to me. Well, it seems that my bookeepe Gertrude Myers, who has been a very active volunteer on behalf of the Women's Campaign Fund, helped run a benefit party here in NYC to raise $$$ for WCF. And, as is normal fo groups that I support, money was advanced from my bank account to WCF as "front money" t pay for stamps, printing bills, a paid staffer, and other miscellany to get the benefit party under way. Subsequently, as donations flowed in for the benefit, the advanced $22 was repaid to my bank account. All this took place with only a peripheral awareness on part. Why? Because it's the normal way I help groups I support. I'm in the "business" of philanthropy and public service and it's a very ordinary thing for me to advance mone in that way. But OOPS, when I do it for a political committee, all of a sudden it's illegal. I forgot. Gertrude and John Hodgkin forgot. We didn't remember that the haunting presence of John Gardner, Common Cause, the FEC, and Supreme Court (& Congress) were all right behind our tracks and would find the whole lot of us ILLEGAL. Damn! I frankly didn't know about it until four days ago. I hasten to report myself and turn myself in. Got the handcuffs ready?

5. A minor item. I gave two fund-raisers for Jim Scheuer in appreciation for all he has done to advance the cause of population in Congress. One was at my D.C. home & office

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at 122 Maryland Avenue, a place where I spend 5-6 days every month. The other was at my family apartment at the Hampshire House in NYC, which is a convenience apartment for family members visiting the Big Apple and for business and personal friends of mine who pass through town. Both are private residence facilities. On each event I spent less that the $500 ceiling on "invitations, food and beverages." But I used two differen residences. Seems to me that the spirit of that provision of the FECA was meant to be limited to one residence. True? Any regulations on that? Could I also have had a party here at my current real residence at 800 Park in NYC? And another at the place I'm fixing up to become my residence for the next several decades at 1133 Fifth in NYC? Can a person have as many as two or even four different "residences" for that provision of th law?

I realize that, not being a candidate or a committee, I'm not entitled under the law to ask for an Advisory Opinion on this point of law, so you guys at the FEC leave characters like me entirely at the mercy of our own very fallible judgements on matters of profound importance like this. So what am I to do? Should I have asked Scheuer to have engaged counsel 5-6 months ago to research this fine point of law and, if no regulation exists, to have sought an Advisory Opinion back in April?

Neil, where's the spontaneity in political participation if Scheuer and Mott should have been chilled by the FECA in a decision to have a party which took place only 4 weeks befc the actual event?

6. Final minor item. My staff works on these things. My D.C. staff, Anne Zill and Dian Abelman, put in time on political activities. My NYC staff, Karen, Gertrude, John, plus John Cushing, secretary, and Barry Turner, sometimes bartender, all put in staff time on preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to. Let's face it. A lot of donors would never bother to report such paid staff time because A) their total annual donations do not brush up against the ceiling of $25,000 per year, or B) because they ambiguously (and fraudulently?) claim that such staff time is "volunteered.'

Neil, I must admit to you that if we had kept records on every single time my secretary answered a phone call or letter from a candidate that resulted in a political gift, or every expense for a fund-raising party that fell outside the definition of "invitations, food and beverages" then I'd have to report some $3-5,000 of in-kind giving not allowed by the law.

- - - - - - - -

OK, I've come clean and bared my heart and soul and criminality. What are you going to do about it? I've acknowledged to you that my political participation this year may amount to some $8000 in excess of the legal limits--none of which I was consciously aware of at the time I was doing it. Six different counts of wrong-doing.

Tell me, do you personally think there was anything wrong with my instincts and desires to help the cause of good politics in this country? Do you think I was exercising undue influence over the political process? Was I contributing to the "sense of futilit of the small contributor? Was I engaged in any venal act of self-service? Do I deserve to be chastised, subjected to a criminal proceeding (along with my "accomplices")? Shoul I go to jail and/or be fined severely?

I can't help but think there are hundreds of candidates and donors and other participant in the political process in this country who are constantly chilled by the provisions of the FECA and are worried continuously by possible infringements of the law. You doubtle get dozens of "mea culpa" letters like this confessing transgressions. How do you hand such admissions of guilt? I'm very curious to know.

Gimme another week or two and I'll probably think of another half-dozen violations.

I stand ready for your indictment! Stewart

7904016143

ewart rawlings mott
800 park avenue
new york 10021
(212) 421-2155

4 November 78

Commissioner Neil O. Staebler
F.E.C. 1325 K St NW
Washington D C 20463

Dear Neil:

Ever since I "sat at your knee" eleven years ago to talk about my possible race for Congress from Flint, I've felt that you've taken an avuncular interest in me and my political evolution. Your November 1 letter attests to that. Thank you! You're a mix between a father confessor and stern rabbi!

(1) Neil, I still find it odd that the Supreme Court found it constitutional that Congress could limit donations to $1000 per candidate per election. If Congress were to pass a law limiting the number of volunteer hours I might expend for the 1980 Presidential candidate(s), then the Court--following the Buckley-Valeo logic--would uphold the right of Congress to write its own rules once again.

(2) To quote your letter, "the weight of big givers...was conveying a sense of futility." Well, Mary Jones, the volunteer who can contribute 1000 hours to a campaign, she has a bigger weight and influence than I do with a $1000. So does Jack Smith, the media expert, who's able to contribute his time--worth maybe $5-10,000. So what are we to do with Mary Jones, Jack Smith, John Denver, George Meany, Frank Sinatra, Billy Graham or even Miss Lillian? EQUALIZE THEM ALL? Cut them off at the knees? And if Congress wrote such rules, the Court would uphold them and you would enforce them?

As you know, Neil, so many diverse elements go into a campaign: intelligence, humor, integrity, eloquence, compassion, foresight, craftiness, tenacity, good health, billboards, bumper stickers, endorsements, TV time, editorials.....and money. Just because money is measurable--and there's no yardstick for integrity--then it's OK to legislate and put limits on money. By legislating/limiting money, Congress limits TV time, xeroxing, paid staff, telephone banks, buttons--every single kind of SPEECH that costs money.

(3) Yes, I think it's an OBNOXIOUS law that augurs for more and more government control over the entire political process in America. I think that if the American public really and truly understood the consequences of FECA'74 and its absurd body of regulations and bureaucracy, they'd vote against it.

(4) Neil, I appreciate your suggestion that I help promote the $1 check-off, but I promise you there's NO WAY that I'd dream of encouraging the collection of funds that preserve and promotes and enshrines the Democratic Party and Republican Party as the two OFFICI political parties of the USA. Neither can I stomach the fact that the FEC is designed to be bi-partisan.

(5) I am curious about your citation of $53 million from donors of $10,000+ in 1972. Those are all from individuals? None from PAC's or multi-candidate groups like NCEC? And does that figure count all political gifts or just federal campaign gifts? Without knowing the answer to this latter question, I couldn't know the denominator against which to measure the magnitude or percentage. I'm sending a copy of your letter (hope you don't mind) along with this reply, to Herb Alexander in the hopes that he can give me fuller data. Or do you have it in your files?

(6) I'm also curious about the role of fat-cats in politics as compared to the role of fat-cats in philanthropy. Is the profile of fat-cat giving in politics very much like the profile of fat-cat giving in philanthropy? Or quite different? Maybe Jack Schwa

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at the American Association of Fund-Raising Counsel could answer that question.

And I do wonder whether "the weight of big givers" does indeed convey a "sense of futility" to the small contributors in philanthropic campaigns? Is it true that a John Doe feels futile--or feels a disincentive--to give his $15 to the United Way when a C. S. Mott can give $15,000?

In your last paragraph you lament the decline of political party influence. My politic education in the 1960's and 1970's has been marked by the following events:

1. My refusal to run for Congress in 1968 because I could not stomach the Vietnam policies of LBJ.
2. My discouragement in Chicago when I realized that the nomination was rigged a year or two in advance by party rules for delegate selection.
3. My anger at Larry O'Brien and Bob Strauss for trying to ignore many of the McGovern-Fraser rules.
4. The continuing lack of "accountability" on the part of the DNC re. party finance. Try writing to the DNC for an Annual Financial Report or next year's budget; you won't get one.
5. The lack of party support for George McGovern.
6. The attempt by Bob Strauss to divert money from McGovern in order to pay off the Hubert debt.
7. The refusal of the DNC to allow its Mid-Term Conference to deal with issues.
8. The RNC sat on its fanny all through the dreadful impeachment process.

Why should I--or the millions of Americans who witnessed many of these events--have any respect for the two national parties? Why should anyone bust his/her ass to to develop reasonable/progressive platforms at the national conventions when elected leadership ignores the platforms? I really can't see why anyone 40-or-younger who began voting ~~the~~ in the 1960's would give a hoot or a holler about the DNC or RNC.

Having "taken you on" with these remarks, I realize that I've challenged you with questions and comments that might take a whole book for reply. Rather than subject you to that chore, may I instead offer to take you to lunch next time I'm in D.C.?

Finally, if you don't mind having lunch with a criminal, I must confess to you that I'm illegal. Neil, I sent you a copy of my 10/6/78 letter summarizing my gifts to 1978 candidates, a total of $24,950. Alas and alack, I'm illegal in two ways:

1. After sending all those checks and composing that letter, I remembered several days later that I had been at a fund-raiser for Claiborne Pell about a year ago and had pledged $500 to his '78 re-election; but I had never gotten around to paying up. Since the pledge is equivalent to a contribution according to your outrageous and ingenious law, I'm illegal.

2. On 10/29/78 I was meeting Harold Willens in Santa Monica at the home of Tom Hayd and Jane Fonda for a party which I knew to be a fund-raiser at $25 per person. When I arrived, I offered a $100 bill at the door for myself and three friends. The doorkeeper told me I didn't need to pay since Harold had paid for me. Not until I was inside did I realize that it was a fund-raiser for Ron Dellums! So Harold made a "gift in the name of another person" and I accepted his kind hospitality as my host for that weekend, so I guess we're both illegal.

Pray tell, what should I do to return to the side of the angels?

If you can't think of any way to cure my transgressions, I'll surrender at that lunch we're going to have. Be sure to bring handcuffs!

☺ Stewart

stewart rawlings mott

800 park avenue
new york 10021
(212) 421-2155

6 October 1978

Dear Candidate:

I'm pleased to be able to send you this enclosed donation to support your campaign for federal office.

I wish it could have been sent sooner--
--and I wish it could be larger!

My decision to support you has been based on many factors: voting record, press reports, personal contact, and most especially by the advice of Russ Hemenway at the National Committee for an Effective Congress and by Carol Randles at the Women's Campaign Fund. I serve on the Board of NCEC and helped to found WCF. Their counsel is most valuable to me.

Primary considerations for me in assessing your race are:

A SANE FOREIGN AND MILITARY POLICY
THE NEED FOR WORLDWIDE CONTRACEPTIVE & ABORTION PROGRAMS
EQUAL RIGHTS FOR MEN AND WOMEN
CIVIL LIBERTIES, ESPECIALLY FREEDOM OF SPEECH

I hope you will continue to prove yourself a champion of the concerns listed above; I'd be sad if you disappointed me on any of these issues.

This donation might have been larger were it not for the obnoxious provisions of the so-called campaign finance "reform" laws (which you may have favored?) which limit my total giving to a ceiling of $25,000 annually. From the enclosed list you'll see that I'm scratching up against the "fat-cat" ceiling and that it's a very painful decision to have to limit the size of my gift to you.

I hope that once you're in the 96th Congress I'll be able to help you in many ways beyond this campaign gift. I'm active with many Washington-based organizations which can assist you in your work:

THE FUND FOR PEACE--Center for Defense Information, Center for Nat'l. Securities Studies, Center for Intl. Development, In the Public Interest radio program.
PLANNED PARENTHOOD FEDERATION OF AMERICA
POPULATION INSTITUTE--Population Action Council
POPULATION CRISIS COMMITTEE
FUND FOR CONSTITUTIONAL GOVERNMENT--Almanac of American Politics, Honest Gov't. Project, Military Audit Project

I'm on the Board of Directors of each of these groups and can assure you of their cooperation with you in your committee work.

For the purpose of listing me in your FEC reports, use the address above and list my occupation as "maverick".

Best wishes; I hope you win!

Stewart

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STEWART R. MOTT -- POLITICAL SUPPORT 1978 (as of 10/78)

SENATE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Ak	Pryor	$ 500	Mn	Anderson	$ 500
Co	Haskell	2000	Mt	Baucus	1000
Ia	Clark	1500	NJ	Bradley	500
Ka	Roy	1000	NC	Hodges	1000
Me	Hathaway	1000	SC	Ravenel	1500
Ma	Brooke	500	SD	Stofferahn	500
Mi	Levin	1000	Tx	Christie	1000
Mn	Fraser	500	Va	Duval	500

Total SENATE----------$14,500

HOUSE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Az 2	Udall	$150	NJ 7	Maguire	$100
Ca 2	Bork	200	NJ 13	Meyner	450
Co 1	Schroeder	450	NY 2	Downey	150
Co 2	Wirth	900	NY 9	Ferraro	450
Ct 5	Ratchford	100	NY 11	Scheuer	450
Ga 6	Shapard	450	NY 18	Burden	450
Il 10	Mikva	900	NY 29	Pattison	900
Il 22	Bruce	100	NY 30	Bartle	300
In 6	Evans	100	NC 5	Neal	100
Ia 2	Blouin	100	Oh 3	Hall	100
Ia 5	Harkin	300	Pa 7	Edgar	450
Ks 2	Keys	450	Pa 8	Kostamayer	250
Ma 5	Shannon	100	Pa 23	Ammerman	100
Ma 6	Mavroules	100	SC 2	Bass	100
Mi 3	Wolpe	450	SC 4	Heller	100
Mi 6	Carr	250	SD 1	Daschle	100
Mn 3	Freeman	100	Tx 8	Eckhardt	150
Mt 1	Williams	100	Tx 24	Frost	250
Nb 1	Dyas	100	Va 8	Harris	100

Total HOUSE----------$10,450

Total Federal Support----------$24,950

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM FOR THE FILE

FROM: Joanne Steneck-Public Communications

DATE: 12/5/78

I received a phone call from Kathy Haessler an employee of Stewat Mott. Her phone number is 212/421-2155. She had a number of questions concerning individual contribution limitations as well as questions concerning what constitutes a political contribution.

Listed below are the questions she asked and a synopsis of our discussion on each.

1. Mr. Mott allows his office space and supplies (she believes this is corporate business space) to be used by the Women's Campaign Fund. He bills them a rental fee and for the supplies they use. She wanted to know if this debt, while it is outstanding, would be considered a contribution from Mr. Mott. The Women's Campaign Fund has payed them back and they did so in a timely manner. I told her it would not be considered a contribution if they followed the requirements set forth in 114.9(d), which apparently they have. (I spoke with her later in the day and she checked with the Women C.F. and they told her they had paid all of those rental fees to Mr. Mott from their State committee(I had asked Kathy if the W.C.F. had been reporting the money owed to Mott as a debt for an account payable, since it was in excess of 500, the amount being $6000). I told her this was permissable as long as the activity that occurred then was not for Federal, otherwise it should have been allocated. So the way things currently stand this would not be a "contribution" in either case.

2. She and a Mr. Hobziki (sp?) (who also was on the line) read 100.4(3) and they were under the impression that a pledge was a contribution even if it was never called. I told them that it was a contribution as longas it was outstanding and that it would count against contribution limits. But if the cmte. chooses not to honor the pledge it would no longer be considered such (I doubled checked with Judy). I told them it would be best to get something from the committee in writing that they plan not to call the pledge.

3. They wanted to know if the $500 amount that is exempt from the contribution definition for a party in one's own home, would apply to each home a person owned. I read them 100.4(b)(4) and explained that an individual may spend up to $500, per candidate, per election, for food, beverages etc. in connection with a campagin related activity in his home (no matter how many homes he has!). Anything over this amount, per cnadidate, per election, would have to be reimbursed or considered a contribution.

4. They wanted to know how "calendar year" was defined in reference to the $25,000 limit per calendar year. Their specific question referred to a Special Election (NYC for Ed Koch cong. seat in 1977) where the primary (actually the nominating concvention) was held in December and the General was held in Feb. What year do contrib. apply to when made in connection with the primary and general elections? I told them I would check on this and call them back. 110.5(b)(1) addresses this and states that the limit applies to the yearly limit for the year in which the election is held. A $1000 contribution for the primary held in Dec 77, made in Dec counts against the 77 annual 25,000 limit. A contribution made in Dec. for the General to be held in Feb 78, will count against the 78 annual limit.

5. Finally she read to me 100.4(a)(5)(i)(A).She wanted to know if this was the exemption her job would fall under. She failed to read the entire section though under (C). She and 4 other employees are paid personally by Mr. Mott to act as political consultants to him. They advise him on candidates and issues to support and they also give fundraisers and advice to candidates. I told her that any such help they give to Federal candidates would be considered an in-kind contribution from Mr. Mott, since they are on his payroll when they do this work and the is not reimbursed by the candidates. The amount of work they do for various candidates would have to be allocated. In addition when they do fundraisers for Federal candidates, and persons pass their checks through Mr. Mott, he techincally should be reporting in letter form, that he is acting as a conduit according to 110.6(c)(1).

Her closing remarks were that Mr. Mott was hoping to have violated the law by having made excessive contributions. She added that any of the possible violations we discussed such as the in-kinds, have been unintentional. They were just going through the records checking on his yearly limit and trying to figure out how much he had actually contributed in 77 and 78.
She said that Mr. Mott hoped to be the "first U.S. political prisoner". She also told me that he had written a letter to Neil Staebler outlining all of his activities and that he was meeting with Mr. Staebler for lunch on 12/6.
She was unaware that Mr. Staebler was no longer acting as a Commissioner.
I mentioned to her that there also could be ramifications for the candidates who accepted their services without reporting or paying for them.

She was very polite and interested throughout our conversations. She said that Mr. Mott does not think much of the law.

Campaign Spending: New Record Set in 1976

Business political action committees in 1976 made a major new effort to influence the results of the congressional elections, according to a study by Common Cause.

Corporate and business trade association political committees contributed more than $7.1 million to congressional candidates, a $4.6 million increase from the total they donated in 1974.

The number of businesses contributing went up dramatically. Approximately 400 corporations established new political committees in 1975 and 1976. Adding in the groups previously established, the total number of corporations with committees was about 500.

These results were contained in a massive study of all interest group and political party contributions to 1976 congressional and presidential primary candidates, released by the self-described public citizens' lobbying organization Jan. 17.

The report showed that the in crease in business contributions w the most obvious example of a gener trend towards increased politi spending by special interest grou Overall, interest groups donated a record $22.6 million to 1976 ca didates, almost twice the $12.5 milli given in 1974.

The jump in special interest money helped finance an even larg increase in total spending by co gressional candidates. In all, 9 general election candidates for Hou and Senate seats spent $99 millio their campaigns. A total of 860 Ho candidates spent about $61 mill while 84 Senate aspirants shelled around $38 million.

In 1974, spending in the c gressional general elections totaled million—$45.1 million in House ra and $28.9 million in Senate conte

New York Special House Races

After losing narrowly in a Democratic Party convention, former Rep. Bella S. Abzug (1971-77) appears to have won in court the Democratic nomination for the House seat vacated by New York City Mayor Edward I. Koch. State assemblyman Louis Nine also was selected at a different party convention as the choice of party regulars to fill the House seat of Deputy Mayor Herman Badillo.

Although both districts have heavy Democratic majorities, because of the possibility for a further appeal in Abzug's case and independent candidates in Nine's, neither is assured of victory in the Feb. 14 special election.

The contest to succeed Koch attracted 10 candidates who sought the endorsement of 980 party committee members at a Jan. 15 convention in what is called the Silk Stocking District on Manhattan's East Side. Abzug, who represented the West Side for three terms, led former city councilman Carter Burden on the first two ballots, but she did not receive the necessary majority. On the third ballot Burden was declared the winner with 50.29 per cent of the weighted vote. But six ballots—all for Abzug—were declared ineligible and not included in her total.

At a court hearing Jan. 18, a state supreme court justice ruled that the disputed ballots should be included, giving Abzug the nomination with 50.03 per cent. Burden may decide to appeal the decision.

Abzug left the House in 1976 to run for the Senate. She was narrowly defeated in the primary by Sen. Daniel Patrick Moynihan. In 1977 she also lost the mayoral primary to Koch.

The Republican nominee is S. William Green, a former regional director for the Housing and Urban Development Department.

In the 21st District, located in the South Bronx, Democratic chairman Patrick J. Cunningham prevailed over the Jan. 11 meeting of the Bronx Democratic executive committee. Although Ramon S. Valez, a former city councilman, won an advisory vote of the committee members from the district, Cunningham's choice, Nine, was chosen by the full committee, made up largely of members loyal to the regular party organization.

But because of intense intra-party rivalries, Nine will be opposed by at least two other Democratic candidates running as independents. Badillo, who represented this predominantly Puerto Rican district since 1971, is supporting State Sen. Robert Garcia. Garcia is expected to receive the Republican and Liberal Party endorsements as well.

Valez, who ran against Badillo in the 1976 Democratic primary, will also be a candidate, running as an independent.

Labor

Despite the substantial increa spending by business groups, la union political groups continued to the largest source of contributi among special interest groups. W the largest share coming from national and state Committees Political Education (COPEs) of AFL-CIO, labor political commit contributed a total of $8.2 millio candidates, a $2 million increase the 1974 figure.

As in 1974, the American Me Association (AMA) was the la single contributor. Political ac committees of the AMA gave $1. 879 in the 1976 elections, up from million in 1974. Political committe another organization of he professionals, the American De Association, were twelfth on the li leading contributors, giving $100

Union political committees counted for six of the top dozen tributors. The COPEs were third ing $996,910 to candidates. behind were the maritime u ($979,691) and the United Workers ($845,939).

The size of the maritime contributions attracted subst media interest during 1977.

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FEDERAL ELECTION COMMISSION

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

To E. Garr
Pls make a Pre-mur assign to Sondee
BS

November 30, 1978

MEMORANDUM TO: BILL OLDAKER

FROM: NEIL STAEBLER

RE: ATTACHED CORRESPONDENCE

Attached please find copies of recent correspondence I have had with Mr. Stewart Mott regarding his possible involvement in violations of the Act.

I am referring it to you for whatever disposition you think appropriate. I will forward any additional information I receive to your office.

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FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 29, 1978

Mr. Stewart R. Mott
800 Park Avenue
New York, New York 10021

Dear Stewart:

This refers to your letters of November 4 and 11, 1978, concerning your involvement in possible violations of the Federal Election Campaign Act of 1971, as amended, specifically the $25,000 annual individual contribution limitation contained in 2 U.S.C. §441a(a)(3). The Commission appreciates and encourages your efforts to voluntarily comply with the Act.

In order to expedite the handling of this matter, we request that you compile a list of all contributions which you believe may have placed you in violation of the $25,000 annual limitation, including any contributions to candidates for Federal office during 1977 or 1978 which were made with respect to the 1978 election, as well as contributions made during calendar year 1978 to the political committees established and maintained by a national political party or to any other multicandidate political committee.

Upon receipt of this information, the Commission will make a determination as to the existence of any and all violations of the Act.

Sincerely yours,

Neil O. Staebler

Neil O. Staebler

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

November 20, 1978

Mr. Stewart Rawlings Mott
800 Park Avenue
New York, N. Y. 10021

Dear Stewart:

I am delighted to have your letter of November 4 in which you suggest a lunch at which we can talk over the many items raised in our two letters. My phones are: office 523-4108, home 554-2289.

Meanwhile let me supply responses to some of your points so that we can advance our discussion more readily when we get together:

(1) You find it anomalous that the Supreme Court ruled it constitutional to limit money donations but not volunteer time. Did you notice that the Court ruled that there could be no limit on independent expenditures, which it equates with volunteer time? Its reasoning on donations is that this is not solely your own expression, as independent expenditures on your volunteer activity would be, but involves other considerations which the Court spelled out as warranting control, largely on the basis that money can be aggregated when many people pool it and it turns into a different thing than when spent by an individual or when an individual contributes time.

(2) You refer to the possibility that entertainers and other professionals might contribute time which has very considerable value and you ask why they shouldn't be equalized. You will note that the Commission has made some move in this direction by recognizing that the commercial value of entertainment, like the commercial value of gifts in kind, such as works of art, be recognized as contributions.

(3) You wonder whether the weight of big givers really conveys a sense of futility to small givers and you wonder whether the profile of fat-cat giving in politics may resemble

fat-cat giving in philanthropy. In philanthropy, I find that every contribution from a big contributor stimulates other contributors, since people are not in competition for the outcome but are concerned only with the general purpose of the philanthropy. Note that in politics, there is competition for the mind and political intentions of candidates. I think there is actually less competition than the public thinks there is and the press constantly suggests. The impression people have is that candidates can be influenced by large contributions. This is surely true as far as accessibility is concerned and small givers are well aware of this. However, large contributors are generally not so naive that they think that they will change a person's thinking with a check; rather, they give checks to those whose thinking they agree with and hope to keep in office. But small contributors are inclined to accept the press version of influence and the larger the contribution (particularly in the days when there was no limit) had a very distressing effect as I discovered in the thousands of hours I have spent in raising money. I estimate that a third of my time in politics has been spent raising money.

(4) You have done well to send my letter to Herb Alexander. The figure of $53 million from donors of $10,000 and over in 1972 is his. These were presumably from all sources, individuals or groups, but there were not many PACs in 1972.

(5) Your approach to political parties is a very static one: they were bad in the past, therefore to hell with them. My approach has been that they were awful in the past and that we damned well better work on them to improve them. Part of our time when we get together ought to be given to a picture of how the Parties behaved in the period when I first got well acquainted postwar. The first reforms in the Democratic Party came at the 1952 convention when a group of us young Turks tried to break down some of the practices and failed. The next wave of reform occurred when we managed to elect Paul Butler as national chairman and he set up a committee on organization; we had to call it "organization" then because reform was a dirty word. You seem to take the present state

of the Parties as a given; on the contrary, the Democratic Party is very much open to reform and I surmise the Republican can be changed.

(6) Do you visualize politics without some sort of aggregating device such as a political party? What do you do for a Party until a new and satisfying one comes along or one of the old ones is reformed?

I'll look forward with pleasure to our chance to get together.

Sincerely,

Neil Staebler

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Stewart rawlings mott

800 park avenue
new york 10021
(212) 421-2188

13 November 78

Hon. Neil O. Staebler

--continuation of 11/4/78 letter--

Dear Neil:

Wow! I just discovered that I'm really in deep trouble.

Since writing to you on 11/4, I came across two additional violations of the FECA which are substantial, and I might as well mention two others that are minor. You'll remember that my 10/6/78 report totalled $24,950. Well, one candidate, Max Heller, sent back his $100 saying he didn't need or want it. That brought me down to $24,850. But I had forgotten a $100 amount to the Council for a Livable World; and I hadn't bothered to list $25 to the DNC and $15 to the RNC (I like to receive their mailings), so my presumed total was $24,990. But herewith the six transgressions:

1. The $500 pledge to Pell mentioned in my 11/4 letter.

2. The $100 gift on my behalf by Harold Willens to Ron Dellums.

3. In 1977 I gave $500 each to Russ Hemenway and Bella Abzug to help them seek the 18th C.D. nomination for the vacant Koch seat. Then when Bella won the nomination, I gave her an additional $500 in January '78. Total of $1500. The young woman who helped me prepare the 10/6/78 list, Karen Kessler, had not realized that the $1500 counted toward my 1978 ceiling of $25,000. The people who supplied her with my records, John Hodgkin and Gertrude Myers, had not flagged the amounts. Russ Hemenway, who sat with me on 10/6 to plan the final donations, didn't remember it. I didn't remember it. On a scale of 1-10, in terms of familiarity with the law and awareness of its provisions I reckon you'd rate Russ and me at 9, John at 7, Gertrude at 5, Karen (who's new on my staff) at 2. We're all guilty as hell. Karen didn't know the difference, being new, but Russ and I know the law well enough to realize that the by-election totals count toward the calendar year totals; so we both violated the law! Incidentally, had the by-election taken place in December 1977, there would have been no violation, right? That sure is a funny, funny law you administer, Neil.

4. Last Friday I did a financial review of my Balance Sheet for 9/30/78 and discovered a startling item: Accounts Receivable, Women's Campaign Fund: $2200. I asked my CPA $ tax advisor staffer, John Hodgkin, to explain it to me. Well, it seems that my bookeepe Gertrude Myers, who has been a very active volunteer on behalf of the Women's Campaign Fund, helped run a benefit party here in NYC to raise $$$ for WCF. And, as is normal fo groups that I support, money was advanced from my bank account to WCF as "front money" t pay for stamps, printing bills, a paid staffer, and other miscellany to get the benefit party under way. Subsequently, as donations flowed in for the benefit, the advanced $22 was repaid to my bank account. All this took place with only a peripheral awareness on part. Why? Because it's the normal way I help groups I support. I'm in the "business" of philanthropy and public service and it's a very ordinary thing for me to advance mone in that way. But OOPS, when I do it for a political committee, all of a sudden it's illegal. I forgot. Gertrude and John Hodgkin forgot. We didn't remember that the haunting presence of John Gardner, Common Cause, the FEC, and Supreme Court (& Congress) were all right behind our tracks and would find the whole lot of us ILLEGAL. Damn! I frankly didn't know about it until four days ago. I hasten to report myself and turn myself in. Got the handcuffs ready?

5. A minor item. I gave two fund-raisers for Jim Scheuer in appreciation for all he has done to advance the cause of population in Congress. One was at my D.C. home & office

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at 122 Maryland Avenue, a place where I spend 5-6 days every month. The other was at my family apartment at the Hampshire House in NYC, which is a convenience apartment for family members visiting the Big Apple and for business and personal friends of mine who pass through town. Both are private residence facilities. On each event I spent less that the $500 ceiling on "invitations, food and beverages." But I used two differen residences. Seems to me that the spirit of that provision of the FECA was meant to be limited to one residence. True? Any regulations on that? Could I also have had a party here at my current real residence at 800 Park in NYC? And another at the place I'm fixing up to become my residence for the next several decades at 1133 Fifth in NYC? Can a person have as many as two or even four different "residences" for that provision of th law?

I realize that, not being a candidate or a committee, I'm not entitled under the law to ask for an Advisory Opinion on this point of law, so you guys at the FEC leave characters like me entirely at the mercy of our own very fallible judgements on matters of profound importance like this. So what am I to do? Should I have asked Scheuer to have engaged counsel 5-6 months ago to research this fine point of law and, if no regulation exists, to have sought an Advisory Opinion back in April?

Neil, where's the spontaneity in political participation if Scheuer and Mott should have been chilled by the FECA in a decision to have a party which took place only 4 weeks befc the actual event?

6. Final minor item. My staff works on these things. My D.C. staff, Anne Zill and Dian Abelman, put in time on political activities. My NYC staff, Karen, Gertrude, John, plus John Cushing, secretary, and Barry Turner, sometimes bartender, all put in staff time on preparing lists of prospective donees, keeping records and accounts on my political participation, planning parties, advising me on who I might donate to. Let's face it. A lot of donors would never bother to report such paid staff time because A) their total annual donations do not brush up against the ceiling of $25,000 per year, or B) because they ambiguously (and fraudulently?) claim that such staff time is "volunteered."

Neil, I must admit to you that if we had kept records on every single time my secretary answered a phone call or letter from a candidate that resulted in a political gift, or every expense for a fund-raising party that fell outside the definition of "invitations, food and beverages" then I'd have to report some $3-5,000 of in-kind giving not allowed by the law.

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OK, I've come clean and bared my heart and soul and criminality. What are you going to do about it? I've acknowledged to you that my political participation this year may amount to some $8000 in excess of the legal limits--none of which I was consciously aware of at the time I was doing it. Six different counts of wrong-doing.

Tell me, do you personally think there was anything wrong with my instincts and desires to help the cause of good politics in this country? Do you think I was exercising undue influence over the political process? Was I contributing to the "sense of futilit of the small contributor? Was I engaged in any venal act of self-service? Do I deserve to be chastised, subjected to a criminal proceeding (along with my "accomplices")? Shoul I go to jail and/or be fined severely?

I can't help but think there are hundreds of candidates and donors and other participant in the political process in this country who are constantly chilled by the provisions of the FECA and are worried continuously by possible infringements of the law. You doubtle get dozens of "mea culpa" letters like this confessing transgressions. How do you hand such admissions of guilt? I'm very curious to know.

Gimme another week or two and I'll probably think of another half-dozen violations.

I stand ready for your indictment! Stewart

79040161447

stewart rawlings mott
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new york 10021
[212] 421-2155

4 November 78

Commissioner Neil O. Staebler
F.E.C. 1325 K St NW
Washington D C 20463

Dear Neil:

Ever since I "sat at your knee" eleven years ago to talk about my possible race for Congress from Flint, I've felt that you've taken an avuncular interest in me and my political evolution. Your November 2 letter attests to that. Thank you! You're a mix between a father confessor and stern rabbi!

(1) Neil, I still find it odd that the Supreme Court found it constitutional that Congress could limit donations to $1000 per candidate per election. If Congress were to pass a law limiting the number of volunteer hours I might expend for the 1980 Presidential candidate(s), then the Court--following the Buckley-Valeo logic--would uphold the right of Congress to write its own rules once again.

(2) To quote your letter, "the weight of big givers...was conveying a sense of futility." Well, Mary Jones, the volunteer who can contribute 1000 hours to a campaign, she has a bigger weight and influence than I do with a $1000. So does Jack Smith, the media expert, who's able to contribute his time--worth maybe $5-10,000. So what are we to do with Mary Jones, Jack Smith, John Denver, George Meany, Frank Sinatra, Billy Graham or even Miss Lillian? EQUALIZE THEM ALL? Cut them off at the knees? And if Congress wrote such rules, the Court would uphold them and you would enforce them?

As you know, Neil, so many diverse elements go into a campaign: intelligence, humor, integrity, eloquence, compassion, foresight, craftiness, tenacity, good health, billboards, bumper stickers, endorsements, TV time, editorials.....and money. Just because money is measurable--and there's no yardstick for integrity--then it's OK to legislate and put limits on money. By legislating/limiting money, Congress limits TV time, xeroxing, paid staff, telephone banks, buttons--every single kind of SPEECH that costs money.

(3) Yes, I think it's an OBNOXIOUS law that augurs for more and more government control over the entire political process in America. I think that if the American public really and truly understood the consequences of FECA'74 and its absurd body of regulations and bureaucracy, they'd vote against it.

(4) Neil, I appreciate your suggestion that I help promote the $1 check-off, but I promise you there's NO WAY that I'd dream of encouraging the collection of funds that preserve and promotes and enshrines the Democratic Party and Republican Party as the two OFFICI political parties of the USA. Neither can I stomach the fact that the FEC is designed to be bi-partisan.

(5) I am curious about your citation of $53 million from donors of $10,000+ in 1972. Those are all from individuals? None from PAC's or multi-candidate groups like NCEC? And does that figure count all political gifts or just federal campaign gifts? Without knowing the answer to this latter question, I couldn't know the denominator against which to measure the magnitude or percentage. I'm sending a copy of your letter (hope you don't mind) along with this reply, to Herb Alexander in the hopes that he can give me fuller data. Or do you have it in your files?

(6) I'm also curious about the role of fat-cats in politics as compared to the role of fat-cats in philanthropy. Is the profile of fat-cat giving in politics very much lik the profile of fat-cat giving in philanthropy? Or quite different? Maybe Jack Schwa

at the American Association of Fund-Raising Counsel could answer that question.

And I do wonder whether "the weight of big givers" does indeed convey a "sense of futility" to the small contributors in philanthropic campaigns? Is it true that a John Doe feels futile--or feels a disincentive--to give his $15 to the United Way when a C. S. Mott can give $15,000?

In your last paragraph you lament the decline of political party influence. My politic education in the 1960's and 1970's has been marked by the following events:

1. My refusal to run for Congress in 1968 because I could not stomach the Vietnam policies of LBJ.
2. My discouragement in Chicago when I realized that the nomination was rigged a year or two in advance by party rules for delegate selection.
3. My anger at Larry O'Brien and Bob Strauss for trying to ignore many of the McGovern-Fraser rules.
4. The continuing lack of "accountability" on the part of the DNC re. party finance. Try writing to the DNC for an Annual Financial Report or next year's budget; you won't get one.
5. The lack of party support for George McGovern.
6. The attempt by Bob Strauss to divert money from McGovern in order to pay off the Hubert debt.
7. The refusal of the DNC to allow its Mid-Term Conference to deal with issues.
8. The RNC sat on its fanny all through the dreadful impeachment process.

Why should I--or the millions of Americans who witnessed many of these events--have any respect for the two national parties? Why should anyone bust his/her ass to to develop reasonable/progressive platforms at the national conventions when elected leadership ignores the platforms? I really can't see why anyone 40-or-younger who began voting ~~the~~ in the 1960's would give a hoot or a holler about the DNC or RNC.

Having "taken you on" with these remarks, I realize that I've challenged you with questions and comments that might take a whole book for reply. Rather than subject you to that chore, may I instead offer to take you to lunch next time I'm in D.C.?

Finally, if you don't mind having lunch with a criminal, I must confess to you that I'm illegal. Neil, I sent you a copy of my 10/6/78 letter summarizing my gifts to 1978 candidates, a total of $24,950. Alas and alack, I'm illegal in two ways:

1. After sending all those checks and composing that letter, I remembered several days later that I had been at a fund-raiser for Claiborne Pell about a year ago and had pledged $500 to his '78 re-election; but I had never gotten around to paying up. Since the pledge is equivalent to a contribution according to your outrageous and ingenious law, I'm illegal.

2. On 10/29/78 I was meeting Harold Willens in Santa Monica at the home of Tom Hayd and Jane Fonda for a party which I knew to be a fund-raiser at $25 per person. When I arrived, I offered a $100 bill at the door for myself and three friends. The doorkeeper told me I didn't need to pay since Harold had paid for me. Not until I was inside did I realize that it was a fund-raiser for Ron Dellums! So Harold made a "gift in the name of another person" and I accepted his kind hospitality as my host for that weekend, so I guess we're both illegal.

Pray tell, what should I do to return to the side of the angels?

If you can't think of any way to cure my transgressions, I'll surrender at that lunch we're going to have. Be sure to bring handcuffs!

☺ Stewart

7904010149

stewart rawlings mott

800 park avenue
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(212) 421-2155

6 October 1978

Dear Candidate:

I'm pleased to be able to send you this enclosed donation to support your campaign for federal office.

I wish it could have been sent sooner--
--and I wish it could be larger!

My decision to support you has been based on many factors: voting record, press reports, personal contact, and most especially by the advice of Russ Hemenway at the National Committee for an Effective Congress and by Carol Randles at the Women's Campaign Fund. I serve on the Board of NCEC and helped to found WCF. Their counsel is most valuable to me.

Primary considerations for me in assessing your race are:

A SANE FOREIGN AND MILITARY POLICY
THE NEED FOR WORLDWIDE CONTRACEPTIVE & ABORTION PROGRAMS
EQUAL RIGHTS FOR MEN AND WOMEN
CIVIL LIBERTIES, ESPECIALLY FREEDOM OF SPEECH

I hope you will continue to prove yourself a champion of the concerns listed above; I'd be sad if you disappointed me on any of these issues.

This donation might have been larger were it not for the obnoxious provisions of the so-called campaign finance "reform" laws (which you may have favored?) which limit my total giving to a ceiling of $25,000 annually. From the enclosed list you'll see that I'm scratching up against the "fat-cat" ceiling and that it's a very painful decision to have to limit the size of my gift to you.

I hope that once you're in the 96th Congress I'll be able to help you in many ways beyond this campaign gift. I'm active with many Washington-based organizations which can assist you in your work:

THE FUND FOR PEACE--Center for Defense Information, Center for Nat'l. Securities Studies, Center for Intl. Development, In the Public Interest radio program.
PLANNED PARENTHOOD FEDERATION OF AMERICA
POPULATION INSTITUTE--Population Action Council
POPULATION CRISIS COMMITTEE
FUND FOR CONSTITUTIONAL GOVERNMENT--Almanac of American Politics, Honest Gov't. Project, Military Audit Project

I'm on the Board of Directors of each of these groups and can assure you of their cooperation with you in your committee work.

For the purpose of listing me in your FEC reports, use the address above and list my occupation as "maverick".

Best wishes; I hope you win!

Stewart

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STEWART R. MOTT -- POLITICAL SUPPORT 1978 (as of 10/78)

SENATE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Ak	Pryor	$ 500	Mn	Anderson	$ 500
Co	Haskell	2000	Mt	Baucus	1000
Ia	Clark	1500	NJ	Bradley	500
Ka	Roy	1000	NC	Hodges	1000
Me	Hathaway	1000	SC	Ravenel	1500
Ma	Brooke	500	SD	Stofferahn	500
Mi	Levin	1000	Tx	Christie	1000
Mn	Fraser	500	Va	Duval	500

Total SENATE----------$14,500

HOUSE:

STATE	CANDIDATE	AMOUNT	STATE	CANDIDATE	AMOUNT
Az 2	Udall	$150	NJ 7	Maguire	$100
Ca 2	Bork	200	NJ 13	Meyner	450
Co 1	Schroeder	450	NY 2	Downey	150
Co 2	Wirth	900	NY 9	Ferraro	450
Ct 5	Ratchford	100	NY 11	Scheuer	450
Ga 6	Shapard	450	NY 18	Burden	450
Il 10	Mikva	900	NY 29	Pattison	900
Il 22	Bruce	100	NY 30	Bartle	300
In 6	Evans	100	NC 5	Neal	100
Ia 2	Blouin	100	Oh 3	Hall	100
Ia 5	Harkin	300	Pa 7	Edgar	450
Ks 2	Keys	450	Pa 8	Kostamayer	250
Ma 5	Shannon	100	Pa 23	Ammerman	100
Ma 6	Mavroules	100	SC 2	Bass	100
Mi 3	Wolpe	450	SC 4	Heller	100
Mi 6	Carr	250	SD 1	Daschle	100
Mn 3	Freeman	100	Tx 8	Eckhardt	150
Mt 1	Williams	100	Tx 24	Frost	250
Nb 1	Dyas	100	Va 8	Harris	100

Total HOUSE----------$10,450

Total Federal Support----------$24,950

7 9 0 3 0 1 6 1 4 5 1

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 920

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