



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 1434

Date Filmed 6/15/82 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

- 1) routing slip
- 2) 12 day report
- 3) 12 day report comments
- 4) names to and from Decker

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☐ (2) Internal rules and practices | ☐ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed Jonathan M. Levin
 Date 6/2/82

FEC 9-21-77

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 2, 1982

FEDERAL EXPRESS

Gil L. Farin, Treasurer
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, California 91602

Re: MUR 1434

Dear Mr. Farin:

Enclosed you will find the notification of the Commission's disposition of the complaint filed against your committee on March 23, 1982. Also enclosed is a copy of the First General Counsel's Report relating to this matter. We are sending these materials to you by Federal Express because the complainant requested expedited notice and such materials have been sent by Federal Express to the complainant.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott E. Thomas", is written over a horizontal line.

Scott E. Thomas
Assistant General Counsel

Enclosures
Notification letter
First General Counsel's Report

82040331708



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1982

Mr. Gil L. Farin, Treasurer
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, California 91602

Re: MUR 1434

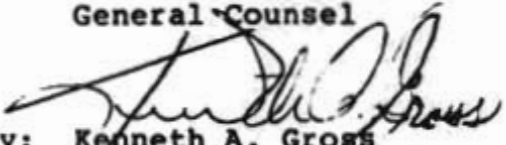
Dear Mr. Farin:

On March 31, 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on June 2, 1982 determined that on the basis of the information in the complaint and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

82040331709



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 2, 1982

June 2, 1982

Mr. Nielsen, Jr., Esquire

FEDERAL EXPRESS

Vigo G. Nielsen, Jr., Esq.
Dobbs & Nielsen
Suite 2500
The Alcoa Building
One Maritime Plaza
San Francisco, California 94111

Re: MUR 1434

Dear Mr. Nielsen:

Pursuant to your request that the Commission provide expedited notice of the disposition of your client's complaint filed March 23, 1982, enclosed you will find the notification letter approved by the Commission. In addition, pursuant to your request that a copy of the relevant staff report be provided, you also will find enclosed a copy of the First General Counsel's Report.

For your information, we have also given notice to the Goldwater for Senate Committee by Federal Express.

Sincerely,

Scott E. Thomas
Assistant General Counsel

Enclosures

Notification letter
Staff report

32040531710



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 2, 1982

Vigo G. Nielsen, Jr., Esquire
29 Mark Terrace
Tiburon, California 94920

Re: MUR 1434

Dear Mr. Nielsen:

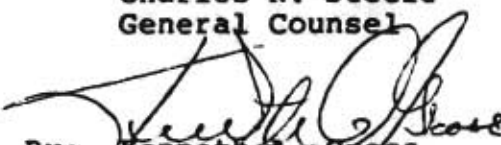
The Federal Election Commission has reviewed the allegations of your complaint dated March 23, 1982, and determined that, on the basis of the information provided in your complaint and information provided by the respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

8204031711

201662
HAND DELIVERED

DOBBS & NIELSEN

Attorneys and Counselors at Law

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SUITE 2800, THE ALCOA BUILDING

ONE MARITIME PLAZA

SAN FRANCISCO, CALIFORNIA 94111

(415) 382-1840

82 JUN 2 AM 1:58

SUITE 200, 812 SOUTH FLOWER STREET
LOS ANGELES, CALIFORNIA 90017
(213) 622-2267

SACRAMENTO OFFICE
SUITE 550, 1808 EIGHTH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 442-2722

NEWPORT BEACH OFFICE
SUITE 400, 6000 RICHARDSON BOULEVARD
NEWPORT BEACH, CALIFORNIA 92660
(714) 732-0222

June 1, 1982

Scott Thomas, Esq.
General Counsel's Office
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Re: Pete Wilson Complaint Against
Barry Goldwater, Jr.

Dear Scott:

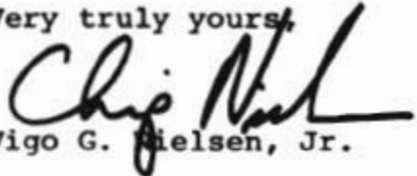
On March 23, 1982, we filed a complaint against the Congressman Goldwater For Senate Committee regarding a mailing made by that committee to raise funds in a manner which informed the donors that the funds would be used to defeat Democrat Jerry Brown when, in fact, they would be used to defeat other Republicans in a contested primary.

It has been sometime since that complaint has been filed, and we would appreciate being informed with as much expedition as possible of its status, when the Commission is at a point to be able to give us such information. We would appreciate receiving a copy of the General Counsel's or other staff report at the time, because it is our information that when we are notified as complainant of the Commission's determination that such document is public. If I have misidentified the staff document that is public upon the Commission's determination in this matter, please furnish us with whatever documentation is public concerning this matter.

For your information, this law firm maintains a postage account with your Commission for the costs of such documentation.

Thank you for your assistance and cooperation in this matter.

Very truly yours,


Vigo G. Nielsen, Jr.

VGN:tc

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Goldwater for Senate Committee) MUR 1434

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on June 2, 1982, the Commission decided by a vote of 5-0 to take the following actions in MUR 1434:

1. Find No Reason to Believe that the Goldwater for Senate Committee violated 11 C.F.R. § 102.9(e) or any other provision of the Federal Election Campaign Act of 1971, as amended, or the Commission Regulations.
2. Approve the letters as submitted with the First General Counsel's Report dated May 28, 1982.
3. Close the File.

Commissioners Aikens, Harris, Elliott, McGarry and Reiche voted affirmatively; Commissioner McDonald did not cast a vote.

Attest:

6-2-82
Date

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

Received in Office of the Commission Secretary:
Circulated on 48 hour tally basis:

5-28-82, 10:05
5-28-82, 11:00

82040331713

May 28, 1982

MEMORANDUM TO: Marjorie Emmons
FROM: Steven Barndollar
SUBJECT: MUR 1434

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

Thank you.

Attachment

22040331714

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

MAY 28 AIO: 05

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 5-28-82

MUR 1434
DATE COMPLAINT RECEIVED
BY OGC March 26, 1982
DATE OF NOTIFICATION TO
RESPONDENT March 31, 1982
STAFF MEMBER Levin

COMPLAINANT'S NAME: Vigo G. Nielsen, Jr., Counsel
Pete Wilson for U.S. Senate Committee

RESPONDENT'S NAME: Goldwater for Senate Committee

RELEVANT STATUTE: 2 U.S.C. §§ 432, 439a, 441a, and 453
11 C.F.R. §§ 102.9(c), 102.15, 108.7,
and 110.1(a)(2)

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On March 26, 1982, the Office of General Counsel received a complaint from Vigo G. Nielsen, counsel to the Pete Wilson for U.S. Senate Committee, against the Goldwater for Senate Committee ("the Committee"), the principal campaign committee for the Senate candidacy of Rep. Barry M. Goldwater, Jr., of California.

Enclosed with the complaint were a fundraising letter sent by the Committee and signed by the candidate's father, Senator Barry Goldwater, and a letter from Mayor Wilson to Congressman Goldwater referring to the fundraising letter as cause for complaint to the Commission. (See Attachment 1).

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Because the fundraising letter refers only to the Goldwater candidate's possible general election opposition, i.e., Governor Jerry Brown, and not to his primary race, Mr. Nielsen believes that the letter raises the possibility that the Committee committed violations of regulations requiring that funds received during the primary for the general election be distinguished by an acceptable accounting method from funds received for the primary. See 11 C.F.R. § 102.9(e). He also believes that the letter raises the possibility that other violations will be committed, i.e., failure to properly designate on reports whether resultant contributions were received for the primary or general election, possible excessive contributions, and possible use of resultant contributions to retire primary campaign debts if the candidate is not successful in the primary. Mr. Nielsen bases his perception that violations have or will occur on the fact that Rep. Goldwater has not explained whether or not the Committee will comply with such requirements.

Mr. Nielsen also stated that the requirements in California similar to 11 C.F.R. § 102.15 and 2 U.S.C. § 432(b)(3) have been interpreted by California authorities as imposing a "constructive trust" on a campaign committee to use funds for the purposes for which such funds were contributed. Mr. Nielsen concluded from this that Mr. Goldwater must thus be prevented from using the solicited funds for the primary.

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As a final matter, Mr. Nielsen asserted that the Goldwater campaign's solicitation violates a California statute concerning fraudulent misrepresentation, California Election Code § 29430. Essentially, he inquired whether the federal preemption statute, 2 U.S.C. § 453, would in any way preclude any action against the Goldwater campaign under the state statute. Although not clearly stated by the complainant, this raises the issue of whether the fraudulent misrepresentation statute under the Commission's jurisdiction, 2 U.S.C. § 441h, would apply to the Goldwater campaign's solicitation.

Mr. Nielsen requested that the Goldwater campaign be immediately enjoined by the Commission from further committing the above alleged violations.

FACTUAL AND LEGAL ANALYSIS

On April 21, 1982, this office received a reply to the complaint from Gil L. Farin, treasurer of the Committee. (See Attachment 2). Mr. Farin repeated six statements which, according to Mayor Wilson in his letter to Mr. Goldwater, indicate that money was being sought for the general election. After repeating each of the statements, Mr. Farin iterated, "Nowhere in this statement is the Goldwater for Senate Committee asking for money against Jerry Brown."

A review of the Committee's April Quarterly Report (received after the complaint was filed) indicates that no receipts were designated as being for the general election.

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While the fundraising letter referred to a prospective campaign against Governor Brown as a device for raising funds, it does not appear that the solicitation should be construed as calling for contributions to the general elections. In fact, the letter itself indicates the contrary when it implores recipients to contribute promptly because the candidate "must pay for T.V. air time in the next two weeks" (emphasis added). Furthermore, the reports of the Committee indicate that no contributions received as a result of this letter were designated for the general election.

As to the constructive trust theory, this theory does not exist in federal election law to the extent stated by the complainant. To the contrary, the statute plainly contemplates that even a candidate's principal campaign committee may use some of its funds to support other candidates. See 2 U.S.C. § 432(e)(3). Furthermore, a candidate may use receipts in excess of any amount necessary to defray his expenditures for "any lawful purpose" other than personal use. See 2 U.S.C. § 439a. In addition, the Commission's advisory opinions have consistently held that a candidate has wide discretion in the use of campaign funds. See e.g., AO 1980-32 (use of campaign funds for payment of old state campaign debt and previous House campaign debt permitted). Of course, if the funds here involved were collected for the general election, the Commission might not allow their use for the primary unless it were clear that no individuals' contribution

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limitations would be violated as a result. See e.g., AO 1980-122 (contributions received during the primary but earmarked for the general election from contributors who had reached the \$1,000 primary maximum may not be used to pay outstanding bills from the primary because such use would result in those individuals making contributions with respect to the primary in excess of the \$1,000 limit). See also analogously AO's 1980-68 and 1980-134. However, as noted before, this solicitation does not really appear to be for the general election at all.

With regard to whether 2 U.S.C. § 441h might apply to the Goldwater campaign's solicitation, it is the view of this office that it does not. The provision states:

No person who is a candidate for Federal office or an employee or agent of such a candidate shall --

- (1) fraudulently misrepresent himself or any committee or organization under his control as speaking or writing or otherwise acting for or on behalf of any other candidate or political party or employee or agent thereof on a matter which is damaging to such other candidate or political party or employee or agent thereof; or
- (2) willfully and knowingly participate in or conspire to participate in any plan, scheme, or design to violate paragraph (1).

Under the facts presented by the complainant, there is no indication that anyone working for one campaign fraudulently misrepresented himself or herself as working on behalf of another candidate or political party. The acts the statute was designed to prevent are simply not involved in the situation at hand.

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Regarding the issue of whether the California state statute dealing with fraudulent misrepresentation would be preempted under 2 U.S.C. § 453, we believe that there is a colorable argument that it would not. Although there is a federal statute dealing with fraudulent misrepresentation of campaign authority (2 U.S.C. § 441h), the legislative history of the preemption statute indicates that Congress also felt that state laws dealing with certain fraudulent activities should remain enforceable. The Conference Report on the Federal Election Campaign Act Amendments of 1974, H.R. Conf. Rep. No. 93-1438, 93d Cong., 2d Sess., 100-101 (1974) states:

The provisions of the conference substitute make it clear that the Federal law occupies the field with respect to criminal sanctions relating to limitations on campaign expenditures, the sources of campaign funds in Federal races, the conduct of Federal campaigns, and similar offenses, but does not affect the States' rights to prohibit false registration, voting fraud, theft of ballots, and similar offenses under state law. [Emphasis added]

See also 11 C.F.R. § 108.7(c); but see H.R. Rep. No. 93-1239, 93d Cong., 2d Sess., 10 (1974) ("[T]he Federal law is intended to be the sole source of criminal sanctions for offenses involving political activities in connection with Federal elections.").

We do not believe that the Commission need decide whether the state statute complainant refers to would or would not be preempted by 2 U.S.C. § 453. That issue may be resolved in the appropriate forum should complainant wish to pursue a state law remedy.

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Based upon the above analysis, the General Counsel recommends that the Commission find no reason to believe that the Goldwater for Senate Committee violated 11 C.F.R. § 102.9(e) or any other provision of the Federal Election Campaign Act of 1971, as amended, or the accompanying regulations.

Recommendations

1. Find no reason to believe that the Goldwater for Senate Committee violated 11 C.F.R. § 102.9(e) or any other provision of the Federal Election Campaign Act of 1971, as amended, or the Commission Regulations.
2. Approve the attached letters.
3. Close the file.

May 28, 1982
Date

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Attachments

1. Complaint from Vigo G. Nielsen, Jr.
2. Reply from Gil L. Farin.
3. Proposed letter to Mr. Farin.
4. Proposed letter to Mr. Nielsen.

92040331721

200931
GCC# 7421
RECEIVED
82 MAR 25 12:09
Mr. AND Mrs. VIGO G. NIELSEN, JR.
29 MARK TERRACE
TIBURON, CALIFORNIA 94920

March 24, 1982

VIA FEDERAL EXPRESS

General Counsel
Enforcement Division
Federal Election Commission
1325 I Street, NW
Washington, DC 20463

Gentlemen:

On March 23, 1982, I prepared a sworn and notarized complaint against the Barry Goldwater, Jr. for U.S. Senate Committee. This complaint was inadvertently sent to you by regular mail, which complaint you should receive in the next two days.

Enclosed please find a copy of the complaint which has been sent to you by Federal Express. I am sending this copy to you to emphasize the urgency of this complaint and to urge the Commission to move with all possible speed to ascertain the facts and bring the Goldwater Committee into compliance.

Additionally, please note that on Page 1 of my letter of March 23, 1982, there is a typographical error on the last line; the cite should read 102.9(e).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Vigo G Nielsen Jr

Vigo G. Nielsen, Jr.

VGN:dc
Encl.

Attachment 1 - p. 1

200 94
Mr. AND Mrs. VIGO G. NIELSEN, JR.
29 MARK TERRACE
TIBURON, CALIFORNIA 94920

62 MAR 26

IVED
GCC#7425
P3:48

March 23, 1982

Office of the General Counsel
Enforcement Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Gentlemen:

On behalf of the Pete Wilson for U.S. Senate Committee (hereinafter referred to as Wilson) I file this complaint pursuant to 2 USC §437g against the Barry Goldwater, Jr. for U.S. Senate Committee (hereinafter referred to as Goldwater). It is my belief that this Committee is the "person" responsible for the actions discussed in this letter which, in our opinion, are in violation of the Federal Election Campaign Act (FECA) as interpreted by the Federal Election Commission (FEC), regulations and several advisory opinions.

There are a number of requirements imposed by the FECA on campaigns raising funds for candidates for federal office. Most pertain to proper reporting and to accounting to insure that contribution limitations are not exceeded. Since separate limitations are imposed on the primary and general elections, the FEC has stated the presumption that funds raised for a primary election will be used for the primary election, and that funds raised for the general election will be used for the general election, unless otherwise designated. (11 CFR 110.1(a)) Form 3X specifically requires that each contribution received be identified as to which of the two elections it is designated.

The FECA does not prohibit a campaign committee from raising funds during the primary period for use in the general election, but properly so the FEC has established a number of rules to be followed if this is to be done:

1. The campaign must use an accounting method that insures such funds are segregated from one another, up to and including the use of separate bank accounts (11 CFR 102.9(a));

3

Federal Election Commission
March 23, 1982
Page 2

2. The FEC Form 3X report must designate these funds received as being contributed towards the general election race;
3. The contribution limitations imposed on each contributor must be applied separately for the general and for the primary (2 USC 441a); and
4. If the candidate is not successful in the primary, funds raised for the general election cannot be used to retire primary campaign debts. (Advisory Opinion 1980-68, 1980-122, 1982-134)

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The facts, as we understand them, are that on or before March 1, 1982, Goldwater did send a letter which is included here as Exhibit A, which solicited funds for the general election as more fully described hereinafter and in the Wilson letter to Congressman Goldwater of March 16, 1982 (Exhibit B). The Wilson letter unsuccessfully attempted to determine whether Goldwater had complied with the requirements summarized above. Wilson was unable to get an answer from Congressman Goldwater or the Goldwater Committee. However, articles appearing in the San Francisco Chronicle of March 18, 1982, and the Los Angeles Times of March 22, 1982, indicated that neither Congressman Goldwater nor his campaign plan to explain whether the funds being raised from this letter are being handled under these rules nor whether they will be used for the general election or to defeat other Republican candidates in the primary. If the funds are to be used for the latter purpose, such use appears to be an obvious contradiction of the purpose for which the letter indicated the funds would be spent.

Since there has been no response to Pete Wilson's letter and because no filing has yet been required for these monies raised, irrevocable damage will be done if funds are spent before the facts are known and action can be taken. Since neither Wilson nor I can ascertain whether these federal rules have been followed and since the Goldwater refusal to answer these questions privately to Wilson or

4

Federal Election Commission
March 23, 1982
Page 3

publicly to the press must be interpreted to raise a reasonable doubt that Goldwater is not following the rules, the only proper body to bring Goldwater into compliance and to ascertain the facts is the FEC.

I can find no FEC regulations or advisory opinions which are directly on point, inasmuch as the regulations and advisory opinions up to this point have presumed that a candidate would not raise funds for the general election campaign prior to the date of the primary except from those individual donors who have already reached their \$1,000 contribution limit. But this assumption regarding the regulations does not negate its applicability to all situations, including this one. Certainly donors must know for what purpose their contribution will be used so that they can also comply with the limitations that apply to them (2 USC 441a(a)(1) and (2)). These rules make sense and the Goldwater campaign should comply with them along with everyone else.

As a second complaint, we ask the FEC to look at this fundraising letter in connection with 2 USC 432(a)(3) and 11 CFR 102.15. This statutory requirement is identical to a California requirement which has been interpreted by the California Fair Political Practices Commission (FPPC) and by leading trust law professors in California to impose a constructive trust on campaign funds contributed. The FPPC believes that this trust status prevents a candidate from collecting funds for his campaign and subsequently spending them on other candidates' campaigns or for personal use. Doesn't such a constructive trust theory also require Goldwater to use the funds for the purpose for which they were requested? Obviously many donors to Goldwater believe their money will be used to defeat the Democratic nominee and not other Republicans. Should not Goldwater hold these funds until after June 8, 1982, and use them for their intended purpose--for the campaign against the Democratic nominee for U.S. Senate in California.

Third, 2 USC 453 and 11 CFR 108.7 provide that the FECA supersedes state law regarding organization of political committees, disclosure and limitation requirements, but does not supersede state law in other election matters. California Election Code §29430 states that it is a misdemeanor for a candidate in the primary to claim

1-p 4

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Federal Election Commission
March 23, 1982
Page 4

that he is the party's nominee. The Goldwater letter certainly implies that Barry Goldwater, Jr. has already been selected as the Republican Party nominee, which fact would not be known to persons outside of California who have received this letter since we have been told that thousands of copies have been circulated throughout the United States from a Virginia mailing firm.

Were a competent trier of fact convinced that this letter violated Election Code §29430, would a district attorney in California be able to enforce it against Barry Goldwater, Jr. without the FEC interpreting 2 USC 453 to preempt such action?

It is respectfully requested that you review carefully the facts in this letter and the attached supporting documents and immediately determine whether the Goldwater Campaign is complying with federal law. We believe the Goldwater Campaign has violated federal campaign law and if not immediately enjoined by the FEC, will continue to do so in a manner that no remedy imposed at a later date will be adequate. We request your utmost urgency in this situation.

I declare under penalty of perjury and subject to the provisions of 18 USC 1001 that the above is true and correct to the best of my knowledge.

Very truly yours,

Vigo G. Nielsen, Jr.
Vigo G. Nielsen, Jr.

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO ss.

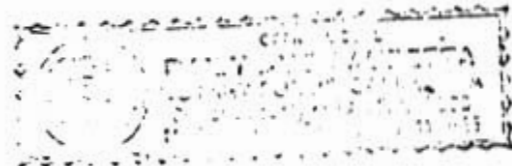
On this 23rd day of March in the year one thousand nine hundred and 82 before me, DAISY DIAZ LAURETTA, a Notary Public, State of California, duly commissioned and sworn, personally appeared VIGO G. NIELSEN, JR.

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of San Francisco County of San Francisco day and year in this certificate first above written.

Daisy Diaz Lauretta
Notary Public, State of California

My commission expires November 11, 1985



1-p 5

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United States Senator

Personal
Business*Barry Goldwater*

March 1, 1982

Because you have been a strong supporter of mine, I've enclosed a photograph for you that is very special to me and my son.

I hope you will accept it with my personal thanks for your recent contribution to my son's campaign for the U.S. Senate.

This photo is particularly important to me because it is a picture of my son, Congressman Barry Goldwater, Jr., and myself in front of the Capitol Building in Washington, D.C.

And it is because of personal pride and confidence in my son's abilities that I am writing you today.

As you know, Barry is locked in a very tough campaign for United States Senate against Jerry Brown in California.

It would give me great personal pleasure and satisfaction to have my son join me in the Senate to carry on the Goldwater tradition.

But more important than my personal wishes is the importance of my son's campaign to President Reagan, the people of California, and you as a loyal American.

Almost all the political experts are saying that my son's campaign against Jerry Brown is the most important Senate race in 1982.

Just think about it. California is President Reagan's home state. And on top of that, California is the largest state in the nation.

~~It will be considered a terrible defeat for President Reagan if Jerry Brown is elected to the Senate.~~

(over, please)

Not Prepared Or Mailed At Taxpayer Expense

1-p.6

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MAR 26 1982

from home state.

Right now, Republicans hold a slim 3 vote margin in the Senate. And Senator Hayakawa has already announced his retirement from the Senate.

So, this Senate race is absolutely critical to President Reagan's hopes of maintaining control of the U.S. Senate.

Because of the importance of my son's campaign for the Senate, liberals like Jane Fonda and Tom Hayden have already helped Jerry Brown raise over \$2 million to defeat my son.

Naturally, because Barry is my son, the liberals see this race as one last chance to "take a slap" at Barry Goldwater.

In a way, this reminds me of my campaign for President in 1964. The liberals went all out to defeat me then.

They used every trick in the book, and some that aren't in the book!

And in 1964, they won. I don't want to see that happen to my son.

But, even more importantly, I fear what Jerry Brown's election to the Senate would mean to America, the land you and I love so much.

Most people agree that Jerry Brown will use his seat in the Senate as a stepping stone to run for President against President Reagan.

The fact is, Jerry Brown is another flip-flopping politician just like Jimmy Carter. Personally, I've had enough of people in Washington who hold no strong convictions about the future of America.

In just four short years, Jimmy Carter nearly plunged our nation into economic collapse, severely weakened our intelligence services, and almost singlehandedly dismantled our national defense.

And he did all this with the willing help of a Democrat controlled U.S. Senate. I know, I was there, fighting them every inch of the way.

Now, this race between liberal Jerry Brown and my son is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats my son for the U.S. Senate, we could lose control of the Senate once again to the more. . .

1-p. 7

82040331728

liberals.

And if that happens, President Reagan won't be able to get anything he wants and our country needs from the Congress.

So, the choice is clear cut. Will we return to the bankrupt liberal policies of the past 25 years?

I hope not. And I can tell you that my son ^{My} is doing everything he can to help President Reagan reverse the liberal policies that have led our nation to the brink of disaster.

I'm proud to say that my son is a strong conservative. In fact, Barry Jr., and I agree on almost every important issue facing our nation today.

Barry has voted with President Reagan on key votes in the House to cut taxes, reduce government spending and regulation, and rebuild America's national defense.

For his support of a strong national defense, Barry earned a 100% voting rating from the American Security Council.

And the U.S. Chamber of Commerce gave him a 91% rating for his steadfast votes for cutting government spending, reducing over-regulation, and supporting expansion and growth in the marketplace.

Barry will be a good United States Senator. And that's not just a proud father talking.

I speak from some experience. I've seen him work and I know that he strongly believes in the principles—you and I share.

Frankly, this race comes down to a clear cut choice. Conservative versus liberal. Republican versus Democrat. Goldwater versus Brown.

The choice is up to you. Will the next United States Senator from California be Jerry Brown, a radical?

Or will it be Barry Goldwater, Jr., a strong conservative?

Your answer is very important to me and my son. You see, Jerry Brown has already raised over \$2 million to pay for his television blitz from his liberal friends.

Their goal is to reverse the mandate you and I and millions of voters gave President Reagan in 1980, by ~~defeating conservatives like my son and taking back~~

(over, please)

1-p. 8

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(9)

control of the Senate.

And of course, they would like nothing better than to defeat another Goldwater.

And so, I must ask you for a very special favor. My son, Barry Goldwater, Jr., desperately needs your dollars to help pay for his television advertising now before Jerry Brown buys all the time up.

Gene, can you help my son buy critical television air time by sending an immediate contribution to his campaign today?

I would consider it a personal favor if you could send \$50 to him immediately.

Of course, if you can afford another contribution of \$25, I will be very grateful to you.

Whatever the amount, your dollars are urgently needed so my son can pay for critical T.V. production and air time.

I'll always cherish the memories of the wonderful people like yourself, all across America, who gave selflessly of themselves in my campaign for President in 1964.

You gave me your time, your votes, and your dollars.

Now, from the bottom of my heart, I'm asking you to make the same sacrifice for my son. Please help carry the conservative banner one more time by helping my son Barry Goldwater, Jr.

It means an awful lot to me. And I know Barry will be very grateful to you for your continued support and financial help.

So please, sit down right now and make out your check to Barry Goldwater, Jr. for United States Senate.

That sure has a nice ring to it. Thank you.

Sincerely,

Barry Goldwater
Barry Goldwater, Sr.
United States Senator

P.S. I hope you enjoy the photograph I've enclosed as much as I have. Please help my son at this critical point in the campaign by sending your maximum contribution immediately. Barry must pay for T.V. air time in the next two weeks so please don't wait. I'll look forward to hearing from you. Thanks again.

1-p. 9.

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PETE WILSON FOR U.S. SENATE

POST OFFICE BOX 1288, SAN DIEGO, CALIFORNIA 92112



March 16, 1982

Congressman Barry Goldwater, Jr.
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, CA 91602

10

Dear Barry:

This is to inform you that I have been advised by legal counsel that your March 1 fund raising letter provides the basis for a complaint to the Federal Elections Commission. Your letter warrants action by the Commission to stop use of the funds raised in this fashion for the June 8 primary election.

As you know, Barry, the federal election law specifically precludes monies raised for the general election from being spent on the primary campaign. Yet, your March 1 letter, which you know is intended to raise money for your current primary contest, states categorically that money is being sought for a general election campaign against Jerry Brown.

Let me cite just a few facts from your very own letter:

-- The postscript to the letter states: "Please help my son by sending your maximum contribution immediately. Barry must pay for TV air time in the next two weeks so please don't wait."

-- "Barry is locked in a very tough campaign for the United States Senate against Jerry Brown in California."

-- "... (Barry's) campaign against Jerry Brown is the most important Senate race in 1982."

-- "... (T)his race between liberal Jerry Brown and (Barry) is the first major test of all the gains conservatives made in 1980."

If Jerry Brown defeats (Barry) for the U.S. Senate, we could lose control of the Senate..."

-- "Frankly, this race comes down to a clear cut choice... Republican versus Democrat. Goldwater versus Brown."

-- The reply card offers a certain description of the prospective donors feelings. It says, in a communication from the donor, "I want to help your son, Barry Goldwater, Jr., defeat Jerry Brown..."

The statements far exceed tolerable campaign hyperbole. They amount to consistent, repeated misrepresentations that funds solicited will

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be used presently -- "for TV air time in the next two weeks" -- not against
your Republican primary election opponents, but against Jerry Brown.
Whoever drafted this letter correctly assumed that the Republican contributors
solicited would contribute to the campaign of the Republican nominee
against Gov. Brown -- and that they would not necessarily contribute
to your effort to defeat other Republicans for the Senate nomination.
(Not to mention the fact that you did not purchase the TV time as promised)

Not only does your letter fail even to hint that a primary election
contest is in progress, to the contrary, it allows the intelligent reader
without other information, to conclude only that the primary election
was held prior to the March 1 date of writing and that the general election
is now in progress.

The probability of success of this misrepresentation is even greater
with contributors residing outside of California who have no ready access
to news media providing the facts of the California primary election
campaign which will not be decided for almost another 3 months. It appears
that you have taken advantage of that fact by mailing most of your letters
to potential out-of-state contributors.

Barry, I don't know who wrote your March 1 letter. But the conduct
of a campaign is the responsibility of the candidate. Your campaign
has seriously misled its contributors.

We are not talking about a small matter here, or a technicality.
If press reports are accurate, you have mailed out more than a million
misleading letters, and the receipts from them account for more than
half of the money you have raised.

Barry, I hope that you will respond to this letter by saying that
you will agree to use this money only in a general campaign, if you are
the nominee. If you don't respond in this fashion, if you intend to use
these funds in the primary contest where you are competing with fellow
Republicans, I will be compelled to file a formal complaint with the
Federal Elections Commission, and petition it to enjoin you and your
campaign committee from using the funds in the primary contest.

I will regret the necessity for such action, but do not hesitate
to take it. We are engaged in a contest for the privilege of serving
the people of California in the United States Senate. I will simply not
tolerate flagrant misrepresentation in the campaign nor what legal counsel
considers a violation of FEC rules.

The misleading statements in your letter, if contained in a solicitation
for charitable contributions, would result in the loss of the solicitors'
license. Contributors to political campaigns are entitled to no less
protection against deception.

Sincerely yours,

Pete Wilson

Pete Wilson

1-p 11

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CONGRESSMAN
**Barry
GOLDWATER**
FOR U.S. SENATE

COFF 7592
AID: 43
Levin
(12)

APR 21 4:52
GOLDWATER

April 19, 1982

Mr. Charles N. Steele
General Counsel Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

On April 6th, 1982 I received your letter dated March 31, 1982 regarding an alledged complaint, signed by Mr. Vigo G. Nielsen, Jr. who is apparently representing the Pete Wilson for U.S. Senate Committee.

In short, the Wilson Committee believes that the Goldwater for Senate Committee has been raising money for the General Election. If you have read the fundraising letter in question and Mayor Wilson's letter to our committee of March 6, 1982 I am certain that you will agree that there is no basis for this complaint.

In Mayor Wilson's letter, he cited six statements on which this complaint is based, let us review these statements one by one.

--The postscript to the letter states: "Please help my son by sending your maximum contribution immediately. Barry must pay for TV air time in the next two weeks so please don't wait."

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

--"Barry is locked in a very tough campaign for the United States Senate against Jerry Brown in California."

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

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Charles N. Steele
Page 2

REC-120
02 APR 21 AIO: 43

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--"...(Barry's) campaign against Jerry Brown is the most important Senate race in 1982."

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

--"...(T)his race between liberal Jerry Brown and (Barry) is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats (Barry) for the U.S. Senate, we could lose control of the Senate.

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

"Frankly, this race comes down to a clear cut choice... Republican versus Democrat. Goldwater versus Brown."

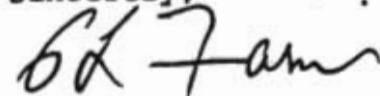
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--The reply card offers a certain description of the prospective donors feelings. It says, in a communication from the donor, "I want to help your son, Barry Goldwater, Jr., defeat Jerry Brown..."

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

As you can clearly see in no instance is Goldwater for Senate Committee asking for money to use against Jerry Brown. I am somewhat perplexed that this matter has been brought to your attention and I am confident that upon careful review this matter will be dismissed out of hand.

Sincerely,



Gil L. Farin
Treasurer
Goldwater for Senate Committee

GF/mg

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

14

Mr. Gil L. Farin, Treasurer
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, California 91602

Re: MUR 1434

Dear Mr. Farin:

On , 1982, the Commission notified you of a complaint alleging that your committee had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1982 determined that on the basis of the information in the complaint and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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Attachment 3 - p. 1



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

15

Vigo G. Nielsen, Jr., Esquire
29 Mark Terrace
Tiburon, California 94920

Re: MUR 1434

Dear Mr. Nielsen:

The Federal Election Commission has reviewed the allegations of your complaint dated March 23, 1982, and determined that, on the basis of the information provided in your complaint and information provided by the respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Attachment 4 - p. 1

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201835 RECEIVED
CONGRESSMAN
Barry GOLDWATER
FOR U.S. SENATE
Coch 7592
AIO: 43

82 APR 21 4:52

April 19, 1982

Mr. Charles N. Steele
General Counsel Federal Election Commission
Washington, D.C. 20463

Dear Mr. Steele:

On April 6th, 1982 I received your letter dated March 31, 1982 regarding an alledged complaint, signed by Mr. Vigo G. Nielsen, Jr. who is apparently representing the Pete Wilson for U.S. Senate Committee.

In short, the Wilson Committee believes that the Goldwater for Senate Committee has been raising money for the General Election. If you have read the fundraising letter in question and Mayor Wilson's letter to our committee of March 6, 1982 I am certain that you will agree that there is no basis for this complaint.

In Mayor Wilson's letter, he cited six statements on which this complaint is based, let us review these statements one by one.

--The postscript to the letter states: "Please help my son by sending your maximum contribution immediately. Barry must pay for TV air time in the next two weeks so please don't wait."

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

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82 APR 21 AIO: 43

Charles N. Steele
Page 2

--"...(Barry's) campaign against Jerry Brown is the most important Senate race in 1982."

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--"...(T)his race between liberal Jerry Brown and (Barry) is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats (Barry) for the U.S. Senate, we could lose control of the Senate.

NOWHERE IN THIS STATEMENT IS THE GOLDWATER FOR SENATE COMMITTEE ASKING FOR MONEY AGAINST JERRY BROWN.

"Frankly, this race comes down to a clear cut choice... Republican versus Democrat. Goldwater versus Brown."

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As you can clearly see in no instance is Goldwater for Senate Committee asking for money to use against Jerry Brown. I am somewhat perplexed that this matter has been brought to your attention and I am confident that upon careful review this matter will be dismissed out of hand.

Sincerely,



Gil L. Farin
Treasurer
Goldwater for Senate Committee

GF/mg

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Vigo G. Nielsen, Jr.
29 Mark Terrace
Tiburon, California 94920

Dear Mr. Nielsen:

This letter is to acknowledge receipt of your complaint of March 23, 1982, against the Barry Goldwater, Jr. For U.S. Senate Committee which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondents' notification.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

David A. Kayson
David A. Kayson

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1. The following number is requested (check one): Return to sender and date delivered..... Return to addressee, date and volume of delivery..... RECEIVED BY DELIVERY..... Return to sender and date delivered..... RECEIVED BY DELIVERY..... Return to sender, date, and volume of delivery.....	2. COMPLETELY POSTPAID FOR PERMIT (Available only to addressee) Vigo G. Nielsen, Jr. Tiburon, California 94920	3. I have received the article described above. Name of recipient: VG Nielsen Address: 29 Mark Terrace City: Tiburon State: CA Zip: 94920	4. DATE OF RECEIPT MAY 1 1982	5. ADDRESS TO WHICH THIS MAIL IS BEING DELIVERED
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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 31, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Gil L. Farin, Treasurer
Goldwater For Senate Committee
10935 Camarillo Street
North Hollywood, CA 91602

Re: MUR 1434

Dear Mr. Farin:

This letter is to notify you that on March 26, 1982 the Federal Election Commission received a complaint which alleges that your Committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of this complaint is enclosed. We have numbered this matter MUR 1434. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against your Committee in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

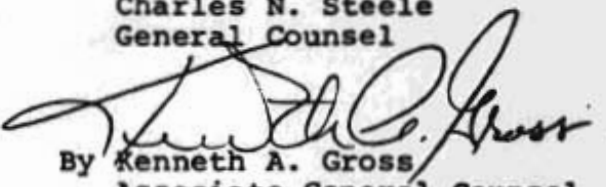
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Jonathan Levin, the attorney assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

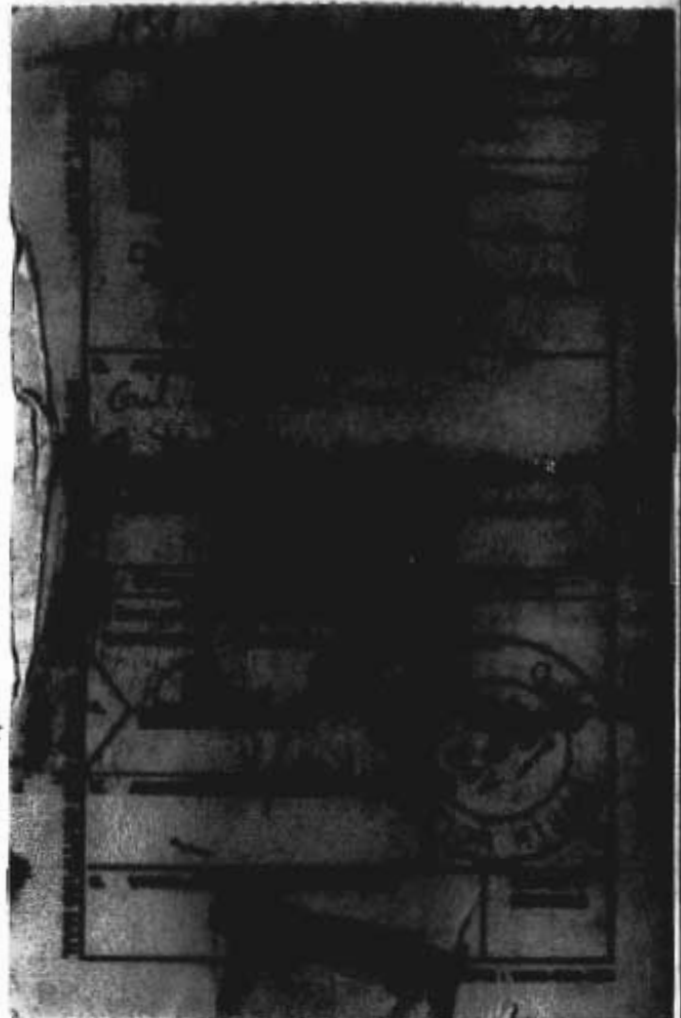

By Kenneth A. Gross
Associate General Counsel

Enclosures

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

cc: Honorable Barry M. Goldwater, Jr

32040331741



200 94
MR. AND MRS. VIGO G. NIELSEN, JR.
29 MARK TERRACE
TIBURON, CALIFORNIA 94920

62 MAR 26

IVED
GCC#7425
P3:40

March 23, 1982

Office of the General Counsel
Enforcement Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Gentlemen:

On behalf of the Pete Wilson for U.S. Senate Committee (hereinafter referred to as Wilson) I file this complaint pursuant to 2 USC §437g against the Barry Goldwater, Jr. for U.S. Senate Committee (hereinafter referred to as Goldwater). It is my belief that this Committee is the "person" responsible for the actions discussed in this letter which, in our opinion, are in violation of the Federal Election Campaign Act (FECA) as interpreted by the Federal Election Commission (FEC), regulations and several advisory opinions.

There are a number of requirements imposed by the FECA on campaigns raising funds for candidates for federal office. Most pertain to proper reporting and to accounting to insure that contribution limitations are not exceeded. Since separate limitations are imposed on the primary and general elections, the FEC has stated the presumption that funds raised for a primary election will be used for the primary election, and that funds raised for the general election will be used for the general election, unless otherwise designated. (11 CFR 110.1(a)) Form 3X specifically requires that each contribution received be identified as to which of the two elections it is designated.

The FECA does not prohibit a campaign committee from raising funds during the primary period for use in the general election, but properly so the FEC has established a number of rules to be followed if this is to be done:

1. The campaign must use an accounting method that insures such funds are segregated from one another, up to and including the use of separate bank accounts (11 CFR 102.9(a));

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2. The FEC Form 3X report must designate these funds received as being contributed towards the general election race;
3. The contribution limitations imposed on each contributor must be applied separately for the general and for the primary (2 USC 441a); and
4. If the candidate is not successful in the primary, funds raised for the general election cannot be used to retire primary campaign debts. (Advisory Opinion 1980-68, 1980-122, 1982-134)

The facts, as we understand them, are that on or before March 1, 1982, Goldwater did send a letter which is included here as Exhibit A, which solicited funds for the general election as more fully described hereinafter and in the Wilson letter to Congressman Goldwater of March 16, 1982 (Exhibit B). The Wilson letter unsuccessfully attempted to determine whether Goldwater had complied with the requirements summarized above. Wilson was unable to get an answer from Congressman Goldwater or the Goldwater Committee. However, articles appearing in the San Francisco Chronicle of March 18, 1982, and the Los Angeles Times of March 22, 1982, indicated that neither Congressman Goldwater nor his campaign plan to explain whether the funds being raised from this letter are being handled under these rules nor whether they will be used for the general election or to defeat other Republican candidates in the primary. If the funds are to be used for the latter purpose, such use appears to be an obvious contradiction of the purpose for which the letter indicated the funds would be spent.

Since there has been no response to Pete Wilson's letter and because no filing has yet been required for these monies raised, irrevocable damage will be done if funds are spent before the facts are known and action can be taken. Since neither Wilson nor I can ascertain whether these federal rules have been followed and since the Goldwater refusal to answer these questions privately to Wilson or

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publicly to the press must be interpreted to raise a reasonable doubt that Goldwater is not following the rules, the only proper body to bring Goldwater into compliance and to ascertain the facts is the FEC.

I can find no FEC regulations or advisory opinions which are directly on point, inasmuch as the regulations and advisory opinions up to this point have presumed that a candidate would not raise funds for the general election campaign prior to the date of the primary except from those individual donors who have already reached their \$1,000 contribution limit. But this assumption regarding the regulations does not negate its applicability to all situations, including this one. Certainly donors must know for what purpose their contribution will be used so that they can also comply with the limitations that apply to them (2 USC 441a(a)(1) and (2)). These rules make sense and the Goldwater campaign should comply with them along with everyone else.

As a second complaint, we ask the FEC to look at this fundraising letter in connection with 2 USC 432(a)(3) and 11 CFR 102.15. This statutory requirement is identical to a California requirement which has been interpreted by the California Fair Political Practices Commission (FPPC) and by leading trust law professors in California to impose a constructive trust on campaign funds contributed. The FPPC believes that this trust status prevents a candidate from collecting funds for his campaign and subsequently spending them on other candidates' campaigns or for personal use. Doesn't such a constructive trust theory also require Goldwater to use the funds for the purpose for which they were requested? Obviously many donors to Goldwater believe their money will be used to defeat the Democratic nominee and not other Republicans. Should not Goldwater hold these funds until after June 8, 1982, and use them for their intended purpose--for the campaign against the Democratic nominee for U.S. Senate in California.

Third, 2 USC 453 and 11 CFR 108.7 provide that the FECA supersedes state law regarding organization of political committees, disclosure and limitation requirements, but does not supersede state law in other election matters. California Election Code §29430 states that it is a misdemeanor for a candidate in the primary to claim

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that he is the party's nominee. The Goldwater letter certainly implies that Barry Goldwater, Jr. has already been selected as the Republican Party nominee, which fact would not be known to persons outside of California who have received this letter since we have been told that thousands of copies have been circulated throughout the United States from a Virginia mailing firm.

Were a competent trier of fact convinced that this letter violated Election Code §29430, would a district attorney in California be able to enforce it against Barry Goldwater, Jr. without the FEC interpreting 2 USC 453 to preempt such action?

It is respectfully requested that you review carefully the facts in this letter and the attached supporting documents and immediately determine whether the Goldwater Campaign is complying with federal law. We believe the Goldwater Campaign has violated federal campaign law and if not immediately enjoined by the FEC, will continue to do so in a manner that no remedy imposed at a later date will be adequate. We request your utmost urgency in this situation.

I declare under penalty of perjury and subject to the provisions of 18 USC 1001 that the above is true and correct to the best of my knowledge.

Very truly yours,

Vigo G. Nielsen, Jr.
Vigo G. Nielsen, Jr.

STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

On this 23rd day of March in the year one thousand nine hundred and 82 before me, DAISY DIAZ LAURETTA, a Notary Public, State of California, duly commissioned and sworn, personally appeared VIGO G. NIELSEN, JR.

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City of San Francisco County of San Francisco day and year in this certificate first above written.

Daisy Diaz Lauretta
Notary Public State of California

My commission expires November 11, 1985



82040331745

United States Senator

Personal
Business
Barry Goldwater

March 1, 1982

Because you have been a strong supporter of mine I've enclosed a photograph for you that is very special to me and my son.

I hope you will accept it with my personal thanks for your recent contribution to my son's campaign for the U.S. Senate.

This photo is particularly important to me because it is a picture of my son, Congressman Barry Goldwater, Jr., and myself in front of the Capitol Building in Washington, D.C.

And it is because of personal pride and confidence in my son's abilities that I am writing you today.

As you know, Barry is locked in a very tough campaign for United States Senate against Jerry Brown in California.

It would give me great personal pleasure and satisfaction to have my son join me in the Senate to carry on the Goldwater tradition.

But more important than my personal wishes is the importance of my son's campaign to President Reagan, the people of California, and you as a loyal American.

Almost all the political experts are saying that my son's campaign against Jerry Brown is the most important Senate race in 1982.

Just think about it. California is President Reagan's home state. And on top of that, California is the largest state in the nation.

It will be considered a terrible defeat for President Reagan if Jerry Brown is elected to the Senate

(over, please)

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from his home state.

Right now, Republicans hold a slim 3 vote margin in the Senate. And Senator Hayakawa has already announced his retirement from the Senate.

So, this Senate race is absolutely critical to President Reagan's hopes of maintaining control of the U.S. Senate.

Because of the importance of my son's campaign for the Senate, liberals like Jane Fonda and Tom Hayden have already helped Jerry Brown raise over \$2 million to defeat my son.

Naturally, because Barry is my son, the liberals see this race as one last chance to "take a slap" at Barry Goldwater.

In a way, this reminds me of my campaign for President in 1964. The liberals went all out to defeat me then.

They used every trick in the book, and some that aren't in the book!

And in 1964, they won. I don't want to see that happen to my son.

But, even more importantly, I fear what Jerry Brown's election to the Senate would mean to America, the land you and I love so much.

Most people agree that Jerry Brown will use his seat in the Senate as a stepping stone to run for President against President Reagan.

The fact is, Jerry Brown is another flip-flopping politician just like Jimmy Carter. Personally, I've had enough of people in Washington who hold no strong convictions about the future of America.

In just four short years, Jimmy Carter nearly plunged our nation into economic collapse, severely weakened our intelligence services, and almost singlehandedly dismantled our national defense.

And he did all this with the willing help of a Democrat controlled U.S. Senate. I know, I was there, fighting them every inch of the way.

Now, this race between liberal Jerry Brown and my son is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats my son for the U.S. Senate, we could lose control of the Senate once again to the more. . .

liberals.

And if that happens, President Reagan won't be able to get anything he wants and our country needs from the Congress.

So, the choice is clear cut. Will we return to the bankrupt liberal policies of the past 25 years?

I hope not. And I can tell you that my son is doing everything he can to help President Reagan reverse the liberal policies that have led our nation to the brink of disaster.

I'm proud to say that my son is a strong conservative. In fact, Barry Jr., and I agree on almost every important issue facing our nation today.

Barry has voted with President Reagan on key votes in the House to cut taxes, reduce government spending and regulation, and rebuild America's national defense.

For his support of a strong national defense, Barry earned a 100% voting rating from the American Security Council.

And the U.S. Chamber of Commerce gave him a 91% rating for his steadfast votes for cutting government spending, reducing over-regulation, and supporting expansion and growth in the marketplace.

Barry will be a good United States Senator. And that's not just a proud father talking.

I speak from some experience. I've seen him work and I know that he strongly believes in the principles — you and I share.

Frankly, this race comes down to a clear cut choice. Conservative versus liberal. Republican versus Democrat. Goldwater versus Brown.

The choice is up to you. Will the next United States Senator from California be Jerry Brown, a radical?

Or will it be Barry Goldwater, Jr., a strong conservative?

Your answer is very important to me and my son. You see, Jerry Brown has already raised over \$2 million to pay for his television blitz from his liberal friends.

Their goal is to reverse the mandate you and I and millions of voters gave President Reagan in 1980, by ~~defeating conservatives like my son and taking back~~

(over, please)

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control of the Senate.

And of course, they would like nothing better than to defeat another Goldwater.

And so, I must ask you for a very special favor. My son, Barry Goldwater, Jr., desperately needs your dollars to help pay for his television advertising now before Jerry Brown buys all the time up.

Gene, can you help my son buy critical television air time by sending an immediate contribution to his campaign today?

I would consider it a personal favor if you could send \$50 to him immediately.

Of course, if you can afford another contribution of \$25, I will be very grateful to you.

Whatever the amount, your dollars are urgently needed so my son can pay for critical T.V. production and air time.

I'll always cherish the memories of the wonderful people like yourself, all across America, who gave selflessly of themselves in my campaign for President in 1964.

You gave me your time, your votes, and your dollars.

Now, from the bottom of my heart, I'm asking you to make the same sacrifice for my son. Please help carry the conservative banner one more time by helping my son Barry Goldwater, Jr.

It means an awful lot to me. And I know Barry will be very grateful to you for your continued support and financial help.

So please, sit down right now and make out your check to Barry Goldwater, Jr. for United States Senate.

That sure has a nice ring to it. Thank you.

Sincerely,

Barry Goldwater

Barry Goldwater, Sr.
United States Senator

P.S. I hope you enjoy the photograph I've enclosed as much as I have. Please help my son at this critical point in the campaign by sending your maximum contribution immediately. Barry must pay for T.V. air time in the next two weeks so please don't wait. I'll look forward to hearing from you. Thanks again.

92040331749

**PETE WILSON
FOR U.S. SENATE**

POST OFFICE BOX 1288, SAN DIEGO, CALIFORNIA 92112

EXHIBIT B



March 16, 1982

Congressman Barry Goldwater, Jr.
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, CA 91602

Dear Barry:

This is to inform you that I have been advised by legal counsel that your March 1 fund raising letter provides the basis for a complaint to the Federal Elections Commission. Your letter warrants action by the Commission to stop use of the funds raised in this fashion for the June 8 primary election.

As you know, Barry, the federal election law specifically precludes monies raised for the general election from being spent on the primary campaign. Yet, your March 1 letter, which you know is intended to raise money for your current primary contest, states categorically that money is being sought for a general election campaign against Jerry Brown.

Let me cite just a few facts from your very own letter:

-- The postscript to the letter states: "Please help my son by sending your maximum contribution immediately. Barry must pay for TV air time in the next two weeks so please don't wait."

-- "Barry is locked in a very tough campaign for the United States Senate against Jerry Brown in California."

-- "... (Barry's) campaign against Jerry Brown is the most important Senate race in 1982."

-- "... (T)his race between liberal Jerry Brown and (Barry) is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats (Barry) for the U.S. Senate, we could lose control of the Senate..."

-- "Frankly, this race comes down to a clear cut choice... Republican versus Democrat. Goldwater versus Brown."

-- The reply card offers a certain description of the prospective donors feelings. It says, in a communication from the donor, "I want to help your son, Barry Goldwater, Jr., defeat Jerry Brown..."

The statements far exceed tolerable campaign hyperbole. They amount to consistent, repeated misrepresentations that funds solicited will

be used presently -- "for TV air time in the next two weeks" -- not against your Republican primary election opponents, but against Jerry Brown. Whoever drafted this letter correctly assumed that the Republican contributors solicited would contribute to the campaign of the Republican nominee against Gov. Brown -- and that they would not necessarily contribute to your effort to defeat other Republicans for the Senate nomination. (Not to mention the fact that you did not purchase the TV time as promised)

Not only does your letter fail even to hint that a primary election contest is in progress, to the contrary, it allows the intelligent reader without other information, to conclude only that the primary election was held prior to the March 1 date of writing and that the general election is now in progress.

The probability of success of this misrepresentation is even greater with contributors residing outside of California who have no ready access to news media providing the facts of the California primary election campaign which will not be decided for almost another 3 months. It appears that you have taken advantage of that fact by mailing most of your letters to potential out-of-state contributors.

Barry, I don't know who wrote your March 1 letter. But the conduct of a campaign is the responsibility of the candidate. Your campaign has seriously misled its contributors.

We are not talking about a small matter here, or a technicality. If press reports are accurate, you have mailed out more than a million misleading letters, and the receipts from them account for more than half of the money you have raised.

Barry, I hope that you will respond to this letter by saying that you will agree to use this money only in a general campaign, if you are the nominee. If you don't respond in this fashion, if you intend to use these funds in the primary contest where you are competing with fellow Republicans, I will be compelled to file a formal complaint with the Federal Elections Commission, and petition it to enjoin you and your campaign committee from using the funds in the primary contest.

I will regret the necessity for such action, but do not hesitate to take it. We are engaged in a contest for the privilege of serving the people of California in the United States Senate. I will simply not tolerate flagrant misrepresentation in the campaign nor what legal counsel considers a violation of FEC rules.

The misleading statements in your letter, if contained in a solicitation for charitable contributions, would result in the loss of the solicitors' license. Contributors to political campaigns are entitled to no less protection against deception.

Sincerely yours,

Pete Wilson

Pete Wilson

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GCC#7421
RECEIVED
82 MAR 25 P12:00
MR. AND MRS. VIGO G. NIELSEN, JR.
29 MARK TERRACE
TIBURON, CALIFORNIA 94920

March 24, 1982

VIA FEDERAL EXPRESS

General Counsel
Enforcement Division
Federal Election Commission
1325 I Street, NW
Washington, DC 20463

Gentlemen:

On March 23, 1982, I prepared a sworn and notarized complaint against the Barry Goldwater, Jr. for U.S. Senate Committee. This complaint was inadvertently sent to you by regular mail, which complaint you should receive in the next two days.

Enclosed please find a copy of the complaint which has been sent to you by Federal Express. I am sending this copy to you to emphasize the urgency of this complaint and to urge the Commission to move with all possible speed to ascertain the facts and bring the Goldwater Committee into compliance.

Additionally, please note that on Page 1 of my letter of March 23, 1982, there is a typographical error on the last line; the cite should read 102.9(e).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Vigo G. Nielsen, Jr.
Vigo G. Nielsen, Jr.

VGN:dc
Encl.

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82 MAR 25 P3:43

GENERAL COUNSEL

RECEIVED

82 MAR 25 12:00

MR. AND MRS. VIGO G. NIELSEN, JR.
29 MARK TERRACE
TIBURON, CALIFORNIA 94920

March 23, 1982

Office of the General Counsel
Enforcement Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Gentlemen:

On behalf of the Pete Wilson for U.S. Senate Committee (hereinafter referred to as Wilson) I file this complaint pursuant to 2 USC §437g against the Barry Goldwater, Jr. for U.S. Senate Committee (hereinafter referred to as Goldwater). It is my belief that this Committee is the "person" responsible for the actions discussed in this letter which, in our opinion, are in violation of the Federal Election Campaign Act (FECA) as interpreted by the Federal Election Commission (FEC), regulations and several advisory opinions.

There are a number of requirements imposed by the FECA on campaigns raising funds for candidates for federal office. Most pertain to proper reporting and to accounting to insure that contribution limitations are not exceeded. Since separate limitations are imposed on the primary and general elections, the FEC has stated the presumption that funds raised for a primary election will be used for the primary election, and that funds raised for the general election will be used for the general election, unless otherwise designated. (11 CFR 110.1(a)) Form 3X specifically requires that each contribution received be identified as to which of the two elections it is designated.

The FECA does not prohibit a campaign committee from raising funds during the primary period for use in the general election, but properly so the FEC has established a number of rules to be followed if this is to be done:

1. The campaign must use an accounting method that insures such funds are segregated from one another, up to and including the use of separate bank accounts (11 CFR 102.9(a));

→ 102.9(e)

Cite
should
be:

Federal Election Commission
March 23, 1982
Page 2

2. The FEC Form 3X report must designate these funds received as being contributed towards the general election race;
3. The contribution limitations imposed on each contributor must be applied separately for the general and for the primary (2 USC 441a); and
4. If the candidate is not successful in the primary, funds raised for the general election cannot be used to retire primary campaign debts. (Advisory Opinion 1980-68, 1980-122, 1982-134)

The facts, as we understand them, are that on or before March 1, 1982, Goldwater did send a letter which is included here as Exhibit A, which solicited funds for the general election as more fully described hereinafter and in the Wilson letter to Congressman Goldwater of March 16, 1982 (Exhibit B). The Wilson letter unsuccessfully attempted to determine whether Goldwater had complied with the requirements summarized above. Wilson was unable to get an answer from Congressman Goldwater or the Goldwater Committee. However, articles appearing in the San Francisco Chronicle of March 18, 1982, and the Los Angeles Times of March 22, 1982, indicated that neither Congressman Goldwater nor his campaign plan to explain whether the funds being raised from this letter are being handled under these rules nor whether they will be used for the general election or to defeat other Republican candidates in the primary. If the funds are to be used for the latter purpose, such use appears to be an obvious contradiction of the purpose for which the letter indicated the funds would be spent.

Since there has been no response to Pete Wilson's letter and because no filing has yet been required for these monies raised, irrevocable damage will be done if funds are spent before the facts are known and action can be taken. Since neither Wilson nor I can ascertain whether these federal rules have been followed and since the Goldwater refusal to answer these questions privately to Wilson or

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publicly to the press must be interpreted to raise a reasonable doubt that Goldwater is not following the rules, the only proper body to bring Goldwater into compliance and to ascertain the facts is the FEC.

I can find no FEC regulations or advisory opinions which are directly on point, inasmuch as the regulations and advisory opinions up to this point have presumed that a candidate would not raise funds for the general election campaign prior to the date of the primary except from those individual donors who have already reached their \$1,000 contribution limit. But this assumption regarding the regulations does not negate its applicability to all situations, including this one. Certainly donors must know for what purpose their contribution will be used so that they can also comply with the limitations that apply to them (2 USC 441a(a)(1) and (2)). These rules make sense and the Goldwater campaign should comply with them along with everyone else.

As a second complaint, we ask the FEC to look at this fundraising letter in connection with 2 USC 432(a)(3) and 11 CFR 102.15. This statutory requirement is identical to a California requirement which has been interpreted by the California Fair Political Practices Commission (FPPC) and by leading trust law professors in California to impose a constructive trust on campaign funds contributed. The FPPC believes that this trust status prevents a candidate from collecting funds for his campaign and subsequently spending them on other candidates' campaigns or for personal use. Doesn't such a constructive trust theory also require Goldwater to use the funds for the purpose for which they were requested? Obviously many donors to Goldwater believe their money will be used to defeat the Democratic nominee and not other Republicans. Should not Goldwater hold these funds until after June 8, 1982, and use them for their intended purpose--for the campaign against the Democratic nominee for U.S. Senate in California.

Third, 2 USC 453 and 11 CFR 108.7 provide that the FECA supersedes state law regarding organization of political committees, disclosure and limitation requirements, but does not supersede state law in other election matters. California Election Code §29430 states that it is a misdemeanor for a candidate in the primary to claim

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that he is the party's nominee. The Goldwater letter certainly implies that Barry Goldwater, Jr. has already been selected as the Republican Party nominee, which fact would not be known to persons outside of California who have received this letter since we have been told that thousands of copies have been circulated throughout the United States from a Virginia mailing firm.

Were a competent trier of fact convinced that this letter violated Election Code §29430, would a district attorney in California be able to enforce it against Barry Goldwater, Jr. without the FEC interpreting 2 USC 453 to preempt such action?

It is respectfully requested that you review carefully the facts in this letter and the attached supporting documents and immediately determine whether the Goldwater Campaign is complying with federal law. We believe the Goldwater Campaign has violated federal campaign law and if not immediately enjoined by the FEC, will continue to do so in a manner that no remedy imposed at a later date will be adequate. We request your utmost urgency in this situation.

I declare under penalty of perjury and subject to the provisions of 18 USC 1001 that the above is true and correct to the best of my knowledge.

Very truly yours,

Vigo G. Nielsen Jr.

Vigo G. Nielsen, Jr.

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

On this 23rd day of March in the year one thousand nine hundred and 82 before me, DAISY DIAZ LAURETTA, a Notary Public, State of California, duly commissioned and sworn, personally appeared VIGO G. NIELSEN, JR.,

known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the City & County of San Francisco the day and year in this certificate first above written.

Daisy Diaz Lauretta
Notary Public, State of California

My commission expires November 11, 1985

82040331756

United States Senator

Personal
Business*Barry Goldwater*

March 1, 1982

Because you have been a strong supporter of mine I've enclosed a photograph for you that is very special to me and my son.

I hope you will accept it with my personal thanks for your recent contribution to my son's campaign for the U.S. Senate.

This photo is particularly important to me because it is a picture of my son, Congressman Barry Goldwater, Jr., and myself in front of the Capitol Building in Washington, D.C.

And it is because of personal pride and confidence in my son's abilities that I am writing you today.

As you know, Barry is locked in a very tough campaign for United States Senate against Jerry Brown in California.

It would give me great personal pleasure and satisfaction to have my son join me in the Senate to carry on the Goldwater tradition.

But more important than my personal wishes is the importance of my son's campaign to President Reagan, the people of California, and you as a loyal American.

Almost all the political experts are saying that my son's campaign against Jerry Brown is the most important Senate race in 1982.

Just think about it. California is President Reagan's home state. And on top of that, California is the largest state in the nation.

It will be considered a terrible defeat for President Reagan if Jerry Brown is elected to the Senate

(over, please)

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from his home state.

Right now, Republicans hold a slim 3 vote margin in the Senate. And Senator Hayakawa has already announced his retirement from the Senate.

So, this Senate race is absolutely critical to President Reagan's hopes of maintaining control of the U.S. Senate.

Because of the importance of my son's campaign for the Senate, liberals like Jane Fonda and Tom Hayden have already helped Jerry Brown raise over \$2 million to defeat my son.

Naturally, because Barry is my son, the liberals see this race as one last chance to "take a slap" at Barry Goldwater.

In a way, this reminds me of my campaign for President in 1964. The liberals went all out to defeat me then.

They used every trick in the book, and some that aren't in the book!

And in 1964, they won. I don't want to see that happen to my son.

But, even more importantly, I fear what Jerry Brown's election to the Senate would mean to America, the land you and I love so much.

Most people agree that Jerry Brown will use his seat in the Senate as a stepping stone to run for President against President Reagan.

The fact is, Jerry Brown is another flip-flopping politician just like Jimmy Carter. Personally, I've had enough of people in Washington who hold no strong convictions about the future of America.

In just four short years, Jimmy Carter nearly plunged our nation into economic collapse, severely weakened our intelligence services, and almost singlehandedly dismantled our national defense.

And he did all this with the willing help of a Democrat controlled U.S. Senate. I know, I was there, fighting them every inch of the way.

Now, this race between liberal Jerry Brown and my son is the first major test of all the gains conservatives made in 1980.

If Jerry brown defeats my son for the U.S. Senate, we could lose control of the Senate once again to the more. . .

liberals.

And if that happens, President Reagan won't be able to get anything he wants and our country needs from the Congress.

So, the choice is clear cut. Will we return to the bankrupt liberal policies of the past 25 years?

I hope not. And I can tell you that my son is doing everything he can to help President Reagan reverse the liberal policies that have led our nation to the brink of disaster.

I'm proud to say that my son is a strong conservative. In fact, Barry Jr., and I agree on almost every important issue facing our nation today.

Barry has voted with President Reagan on key votes in the House to cut taxes, reduce government spending and regulation, and rebuild America's national defense.

For his support of a strong national defense, Barry earned a 100% voting rating from the American Security Council.

And the U.S. Chamber of Commerce gave him a 91% rating for his steadfast votes for cutting government spending, reducing over-regulation, and supporting expansion and growth in the marketplace.

Barry will be a good United States Senator. And that's not just a proud father talking.

I speak from some experience. I've seen him work and I know that he strongly believes in the principles — you and I share.

Frankly, this race comes down to a clear cut choice. Conservative versus liberal. Republican versus Democrat. Goldwater versus Brown.

The choice is up to you. Will the next United States Senator from California be Jerry Brown, a radical?

Or will it be Barry Goldwater, Jr., a strong conservative?

Your answer is very important to me and my son. You see, Jerry Brown has already raised over \$2 million to pay for his television blitz from his liberal friends.

Their goal is to reverse the mandate you and I and millions of voters gave President Reagan in 1980, by — defeating conservatives like my son and taking back

(over, please)

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control of the Senate.

And of course, they would like nothing better than to defeat another Goldwater.

And so, I must ask you for a very special favor. My son, Barry Goldwater, Jr., desperately needs your dollars to help pay for his television advertising now before Jerry Brown buys all the time up.

Gene, can you help my son buy critical television air time by sending an immediate contribution to his campaign today?

I would consider it a personal favor if you could send \$50 to him immediately.

Of course, if you can afford another contribution of \$25, I will be very grateful to you.

Whatever the amount, your dollars are urgently needed so my son can pay for critical T.V. production and air time.

I'll always cherish the memories of the wonderful people like yourself, all across America, who gave selflessly of themselves in my campaign for President in 1964.

You gave me your time, your votes, and your dollars.

Now, from the bottom of my heart, I'm asking you to make the same sacrifice for my son. Please help carry the conservative banner one more time by helping my son Barry Goldwater, Jr.

It means an awful lot to me. And I know Barry will be very grateful to you for your continued support and financial help.

So please, sit down right now and make out your check to Barry Goldwater, Jr. for United States Senate.

That sure has a nice ring to it. Thank you.

Sincerely,
Barry Goldwater
Barry Goldwater, Sr.
United States Senator

P.S. I hope you enjoy the photograph I've enclosed as much as I have. Please help my son at this critical point in the campaign by sending your maximum contribution immediately. Barry must pay for T.V. air time in the next two weeks so please don't wait. I'll look forward to hearing from you. Thanks again.

82040331760

PETE WILSON FOR U.S. SENATE

POST OFFICE BOX 1288, SAN DIEGO, CALIFORNIA 92112

EXHIBIT B



March 16, 1982

Congressman Barry Goldwater, Jr.
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, CA 91602

Dear Barry:

This is to inform you that I have been advised by legal counsel that your March 1 fund raising letter provides the basis for a complaint to the Federal Elections Commission. Your letter warrants action by the Commission to stop use of the funds raised in this fashion for the June 8 primary election.

As you know, Barry, the federal election law specifically precludes monies raised for the general election from being spent on the primary campaign. Yet, your March 1 letter, which you know is intended to raise money for your current primary contest, states categorically that money is being sought for a general election campaign against Jerry Brown.

Let me cite just a few facts from your very own letter:

-- The postscript to the letter states: "Please help my son by sending your maximum contribution immediately. Barry must pay for TV air time in the next two weeks so please don't wait."

-- "Barry is locked in a very tough campaign for the United States Senate against Jerry Brown in California."

-- "... (Barry's) campaign against Jerry Brown is the most important Senate race in 1982."

-- "... (T)his race between liberal Jerry Brown and (Barry) is the first major test of all the gains conservatives made in 1980.

If Jerry Brown defeats (Barry) for the U.S. Senate, we could lose control of the Senate..."

-- "Frankly, this race comes down to a clear cut choice... Republican versus Democrat. Goldwater versus Brown."

-- The reply card offers a certain description of the prospective donors feelings. It says, in a communication from the donor, "I want to help your son, Barry Goldwater, Jr., defeat Jerry Brown..."

The statements far exceed tolerable campaign hyperbole. They amount to consistent, repeated misrepresentations that funds solicited will

be used presently -- "for TV air time in the next two weeks" -- not against your Republican primary election opponents, but against Jerry Brown. Whoever drafted this letter correctly assumed that the Republican contributors solicited would contribute to the campaign of the Republican nominee against Gov. Brown -- and that they would not necessarily contribute to your effort to defeat other Republicans for the Senate nomination. (Not to mention the fact that you did not purchase the TV time as promised)

Not only does your letter fail even to hint that a primary election contest is in progress, to the contrary, it allows the intelligent reader without other information, to conclude only that the primary election was held prior to the March 1 date of writing and that the general election is now in progress.

The probability of success of this misrepresentation is even greater with contributors residing outside of California who have no ready access to news media providing the facts of the California primary election campaign which will not be decided for almost another 3 months. It appears that you have taken advantage of that fact by mailing most of your letters to potential out-of-state contributors.

Barry, I don't know who wrote your March 1 letter. But the conduct of a campaign is the responsibility of the candidate. Your campaign has seriously misled its contributors.

We are not talking about a small matter here, or a technicality. If press reports are accurate, you have mailed out more than a million misleading letters, and the receipts from them account for more than half of the money you have raised.

Barry, I hope that you will respond to this letter by saying that you will agree to use this money only in a general campaign, if you are the nominee. If you don't respond in this fashion, if you intend to use these funds in the primary contest where you are competing with fellow Republicans, I will be compelled to file a formal complaint with the Federal Elections Commission, and petition it to enjoin you and your campaign committee from using the funds in the primary contest.

I will regret the necessity for such action, but do not hesitate to take it. We are engaged in a contest for the privilege of serving the people of California in the United States Senate. I will simply not tolerate flagrant misrepresentation in the campaign nor what legal counsel considers a violation of FEC rules.

The misleading statements in your letter, if contained in a solicitation for charitable contributions, would result in the loss of the solicitors' license. Contributors to political campaigns are entitled to no less protection against deception.

Sincerely yours,

Pete Wilson

Pete Wilson

32040331762

United States Senator

Personal
Business*Barry Goldwater*

March 1, 1982

Because you have been a strong supporter of mine I've enclosed a photograph for you that is very special to me and my son.

I hope you will accept it with my personal thanks for your recent contribution to my son's campaign for the U.S. Senate.

This photo is particularly important to me because it is a picture of my son, Congressman Barry Goldwater, Jr., and myself in front of the Capitol Building in Washington, D.C.

And it is because of personal pride and confidence in my son's abilities that I am writing you today.

As you know, Barry is locked in a very tough campaign for United States Senate against Jerry Brown in California.

It would give me great personal pleasure and satisfaction to have my son join me in the Senate to carry on the Goldwater tradition.

But more important than my personal wishes is the importance of my son's campaign to President Reagan, the people of California, and you as a loyal American.

Almost all the political experts are saying that my son's campaign against Jerry Brown is the most important Senate race in 1982.

Just think about it. California is President Reagan's home state. And on top of that, California is the largest state in the nation.

It will be considered a terrible defeat for President Reagan if Jerry Brown is elected to the Senate

(over, please)

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from his home state.

Right now, Republicans hold a slim 3 vote margin in the Senate. And Senator Hayakawa has already announced his retirement from the Senate.

So, this Senate race is absolutely critical to President Reagan's hopes of maintaining control of the U.S. Senate.

Because of the importance of my son's campaign for the Senate, liberals like Jane Fonda and Tom Hayden have already helped Jerry Brown raise over \$2 million to defeat my son.

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The fact is, Jerry Brown is another flip-flopping politician just like Jimmy Carter. Personally, I've had enough of people in Washington who hold no strong convictions about the future of America.

In just four short years, Jimmy Carter nearly plunged our nation into economic collapse, severely weakened our intelligence services, and almost singlehandedly dismantled our national defense.

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32040331765

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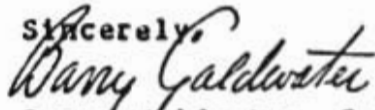
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United States Senator

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92040331766

PETE WILSON FOR U.S. SENATE

POST OFFICE BOX 1288, SAN DIEGO, CALIFORNIA 92112

EXHIBIT B



March 16, 1982

Congressman Barry Goldwater, Jr.
Goldwater for Senate Committee
10935 Camarillo Street
North Hollywood, CA 91602

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The statements far exceed tolerable campaign hyperbole. They amount to consistent, repeated misrepresentations that funds solicited will

be used presently -- "for TV air time in the next two weeks" -- not against your Republican primary election opponents, but against Jerry Brown. Whoever drafted this letter correctly assumed that the Republican contributors solicited would contribute to the campaign of the Republican nominee against Gov. Brown -- and that they would not necessarily contribute to your effort to defeat other Republicans for the Senate nomination. (Not to mention the fact that you did not purchase the TV time as promised)

Not only does your letter fail even to hint that a primary election contest is in progress, to the contrary, it allows the intelligent reader without other information, to conclude only that the primary election was held prior to the March 1 date of writing and that the general election is now in progress.

The probability of success of this misrepresentation is even greater with contributors residing outside of California who have no ready access to news media providing the facts of the California primary election campaign which will not be decided for almost another 3 months. It appears that you have taken advantage of that fact by mailing most of your letters to potential out-of-state contributors.

Barry, I don't know who wrote your March 1 letter. But the conduct of a campaign is the responsibility of the candidate. Your campaign has seriously misled its contributors.

We are not talking about a small matter here, or a technicality. If press reports are accurate, you have mailed out more than a million misleading letters, and the receipts from them account for more than half of the money you have raised.

Barry, I hope that you will respond to this letter by saying that you will agree to use this money only in a general campaign, if you are the nominee. If you don't respond in this fashion, if you intend to use these funds in the primary contest where you are competing with fellow Republicans, I will be compelled to file a formal complaint with the Federal Elections Commission, and petition it to enjoin you and your campaign committee from using the funds in the primary contest.

I will regret the necessity for such action, but do not hesitate to take it. We are engaged in a contest for the privilege of serving the people of California in the United States Senate. I will simply not tolerate flagrant misrepresentation in the campaign nor what legal counsel considers a violation of FEC rules.

The misleading statements in your letter, if contained in a solicitation for charitable contributions, would result in the loss of the solicitors' license. Contributors to political campaigns are entitled to no less protection against deception.

Sincerely yours,

Pete Wilson

Pete Wilson

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AIR MAIL



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Office of the General Counsel
Enforcement Division
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

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FEDERAL ELECTION COMMISSION

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

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