



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1450

Date Filmed 11/5/82 Camera No. --- 2

Cameraman BRC

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FEDERAL ELECTION COMMISSION

Six Route Slips, One Comment Card

Copies of 12-day report and comment
Sheets

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)

X (5) Internal Documents

Signed

Stephen W. Munn

Date

10/14/82

FEC 9-21-77



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1982

Mr. Alve Thomas, Chairman
Montana Nonpartisan Fair Campaigns Committee
Box 4146
Helena, MT 59604

Re: MUR 1450 (82)

Dear Mr. Thomas:

On June 9, 1982, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 14, 1982, considered the complaint, but was equally divided on the question whether to find reason to believe 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

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross", is written over the typed name.

Kenneth A. Gross
Associate General Counsel

11003042



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1982

Mr. Alve Thomas, Chairman
Montana Nonpartisan Fair Campaigns Committee
Box 4146
Helena, MT 59604

Re: MUR 1450 (82)

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The Commission, on September 14, 1982, considered the complaint, but was equally divided on the question whether to find reason to believe 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

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Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 12, 1982

Mr. Robert F. Bauer, Esquire
Perkins, Coie, Stone Olsen & Williams
1110 Vermont Avenue, N.W.
Suite 1200
Washington, DC 20005

Re: MUR 1450 (82)

Dear Mr. Bauer:

On June 9, 1982, the Commission notified you of a complaint alleging that your clients Senator John Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett, had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 14, 1982, considered the complaint but was equally divided on the question whether to find reason to believe 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

A handwritten signature in dark ink, appearing to read "Kenneth A. Gross", is written over the typed name.

Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1982

Mr. John T. Dolan, Chairman
National Conservative Political Action Committee
1500 Wilson Blvd.
Suite 513
Arlington, VA 22209

Re: MUR 1450(82)

Dear Mr. Dolan:

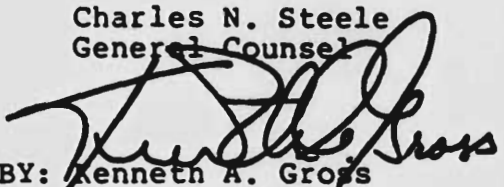
The Federal Election Commission has reviewed the allegations contained in your complaint dated May 27, 1982. The Commission considered your complaint on September 14, 1982, but was equally divided on the question whether to find reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), was 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 further information come to your attention which you believe establishes a violation of the Act, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

22740360017

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Senator John Melcher,)
Melcher for Senate Committee,)
Mr. Evan Barrett, Montana)
Nonpartisan Fair Campaigns)
Committee, Mr. Alve Thomas)

MUR 1450 (82)

AMENDED CERTIFICATION

I, Lena L. Stafford, Recording Secretary for the Federal Election Commission meeting on October 5, 1982, do hereby certify that the Commission decided in a vote of 6-0 to take the following actions with regard to the above-entitled matter:

1. Send the letters attached to the General Counsel's Memorandum dated September 23, 1982, to the respondents and the complainant to be revised as directed in the meeting on this date.
2. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

10-14-82

Date

Lena L. Stafford

Recording Secretary

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY RANSOM *JK*

DATE: SEPTEMBER 28, 1982

SUBJECT: OBJECTION - MUR 1450 Memorandum to the
Commission dated 9-23-82; Received in
OCS, 9-23-82, 3:48

The above-named document was circulated to the Commission on September 24, 1982 at 2:00.

Commissioner McGarry submitted an objection to this matter at 3:20, September 28, 1982.

This matter will be placed on the agenda for the Executive Session of Tuesday, October 5, 1982.

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

Thank you.

Attachment

cc: Mims



SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

82 SEP 23 P 3: 48

September 23, 1982

MEMORANDUM

TO: THE COMMISSION

FROM: CHARLES N. STEELE
GENERAL COUNSEL

By: KENNETH A. GROSS
ASSOCIATE GENERAL COUNSEL

SUBJECT: NOTIFICATION LETTERS - MUR 1450(82)

On September 14, 1982, the Commission declined to adopt the recommendations of the Office of General Counsel in the above-captioned matter. Accordingly, this Office has prepared, for Commission approval, the attached letters to complainant, National Conservative Political Action Committee, and respondents.

The proposed letter to the complainant includes a brief statement of the Commission's position which resulted in closing the file without a finding. That statement reflects the concern expressed by the Commission regarding the sufficiency of the evidence in the complaint. This statement of reasons is appropriate in light of the challenge provision of 2 U.S.C. § 437g(a)(8).

Recommendations:

1. Send the attached letters
2. Close the file.

Attachments:

Letters to complainant and respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. John T. Dolan, Chairman
National Conservative Political Action Committee
1500 Wilson Blvd.
Suite 513
Arlington, VA 22209

Re: MUR 1450(82)

Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations contained in your complaint dated May 27, 1982. There were not enough Commissioner votes to find reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), has been committed. This determination was made due to a lack of sufficient evidence in your complaint.

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 further information come to your attention which you believe establishes a violation of the Act, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 1
page 1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Robert F. Bauer, Esquire
Perkins, Coie, Stone Olsen & Williams
1110 Vermont Avenue, N.W.
Suite 1200
Washington, DC 20005

Re: MUR 1450(82)

Dear Mr. Bauer:

On June 9, 1982, the Commission notified you of a complaint alleging that your clients Senator John Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett, had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 15, 1982, determined that on the basis of the information contained in the complaint (and information provided by the respondents) there is an insufficient basis upon which to base a finding that there is reason to believe 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

Attachment 1
page 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Alve Thomas, Chairman
Montana Nonpartisan Fair Campaigns Committee
Box 4146
Helena, MT 59604

Re: MUR 1450 (82)

Dear Mr. Thomas:

On June 9, 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 September 15, 1982, determined that on the basis of the information contained in the complaint (and information provided by you) there is an insufficient basis upon which to base a finding that there is reason to believe 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

Attachment 1
page 3



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Mr. Alve Thomas, Chairman
Montana Nonpartisan Fair Campaigns Committee
Box 4146
Helena, MT 59604

Re: MUR 1450(82)

Dear Mr. Thomas:

On June 9, 1982, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September 15, 1982, determined that on the basis of the information contained in the complaint (and information provided by you) there is an insufficient basis upon which to base a finding that there is reason to believe 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

Attachment 1
page 4

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Montana Nonpartisan Political) MUR 1450
Action Committee, The Melcher)
for Senate Committee, Senator John)
Melcher, Mr. Alve Thomas and)
Mr. Evan Barrett)

CERTIFICATION

I, Marjorie W. Emmons, Recording Secretary for the Federal Election Commission Executive Session on September 14, 1982, do hereby certify the Commission acted as follows with respect to the above-captioned matter:

1. Failed on a vote of 3-3 to pass a motion to
 - a) find reason to believe that the Montana Nonpartisan Fair Campaigns Committee violated 2 U.S.C. §§ 433(a) and 434(a)(1); and
 - b) direct the Office of General Counsel to send an appropriate letter pursuant to these findings.Commissioners Aikens, Elliott, and Reiche voted affirmatively for the motion. Commissioners Harris, McDonald, and McGarry dissented.
2. Failed on a vote of 3-3 to pass a motion to
 - a) reject the recommendations contained in the General Counsel's August 24, 1982 report in this matter; and
 - b) close the file in MUR 1450.

Commissioners Harris, McDonald, and McGarry voted affirmatively for the motion; Commissioners Aikens, Elliott, and Reiche dissented.

Attest:

9-15-82

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
OFFICE OF THE SECRETARY TO THE COMMISSION

DATE: AUGUST 27, 1982

SUBJECT: ADDITIONAL OBJECTION - MUR 1450 General Counsel's
Report dated August 24, 1982; Received in OCS,
8-25-82, 9:14

You were notified previously of an objection by
Commissioner Harris.

Commissioner McDonald submitted an additional
objection at 9:37, August 27, 1982.

This matter will be discussed in executive session
on Tuesday, September 14, 1982.

32040360027



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE, GENERAL COUNSEL
FROM: MARJORIE W. ENGLISH/JODY RANSOM *RE*
DATE: AUGUST 25, 1982
SUBJECT: OBJECTION - MUR 1450 General Counsel's Report
signed August 24, 1982; Received in OCS, 8-25-82,
9:14

The above-named document was circulated to the Commission on
August 25, 1982 at 11:00.

Commissioner Harris submitted an objection at 2:20, August 25,
1982.

This matter will be placed on the agenda for the Executive
Session of Tuesday, September 14, 1982.

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August 25, 1982

M MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1450

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

Attachment

cc: Mims

32040350022



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 25, 1982

MEMORANDUM TO: Marjorie W. Emmons
FROM: Phyllis A. Kayson
SUBJECT: MUR 1450

Please recirculate page one of the above mentioned
MUR since the name of the respondent was listed incorrectly.

Thank you.

Attachment

32040360030

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of:

The Montana Nonpartisan Political
Action Committee, The Melcher For
Senate Committee, Senator John
Melcher, Mr. Alve Thomas and
Mr. Evan Barrett

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MUR 1450

82 AUG 25 P 3: 36

GENERAL COUNSEL'S REPORT

I. Factual Background

On June 7, 1982, the Office of General Counsel received a complaint filed by the National Conservative Political Action Committee (NCPAC) which alleged that the respondents have violated or have conspired to violate the Act.

NCPAC's complaint alleged that respondents Senator Melcher, Evan Barrett and Alve Thomas conspired to organize or to cause the organization of the Montana Nonpartisan Fair Campaigns Committee (the committee) and, as such, the committee is affiliated with the Melcher for Senate Committee (the campaign committee).

NCPAC included in its complaint a copy of a newspaper article 1/ which cited a source who stated that "John Melcher was directly involved in the formation of the committee." The source was further quoted as saying that "Melcher personally discussed the formation of the committee with [Alve] Thomas [the

1/ Great Falls Tribune, April 19, 1982, at 1.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
CLERK OF THE
HOUSE OF REPRESENTATIVES

In the Matter of)
National Conservative Political)
Action Committee)

82 AUG 25 A 9: 14
MUR 1450

GENERAL COUNSEL'S REPORT

I. Factual Background

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NCPAC's complaint alleged that respondents Senator Melcher, Evan Barrett and Alve Thomas conspired to organize or to cause the organization of the Montana Nonpartisan Fair Campaigns Committee (the committee) and, as such, the committee is affiliated with the Melcher for Senate Committee (the campaign committee).

NCPAC included in its complaint a copy of a newspaper article 1/ which cited a source who stated that "John Melcher was directly involved in the formation of the committee." The source was further quoted as saying that "Melcher personally discussed the formation of the committee with [Alve] Thomas [the

1/ Great Falls Tribune, April 19, 1982, at 1.

committee's chairman], who then lined up some prominent Montanans to serve on it."

In addition, complainant has provided a copy of a memorandum (See Exhibit E of the complaint) which appears to be addressed to the Democratic Congressional Campaign Committee. That memorandum appears to encourage candidates to form "independent" groups to counter NCPAC advertising 2/, thus providing support for the allegation that the committees are affiliated.

The committee registered as a political committee on October 13, 1981. On December 26, 1981, before filing any reports, the committee requested termination asserting by way of a letter of that date, "we are not advocating the election of any person nor are we supporting any specific cause." (RAD accepted the termination request on January 22, 1982). NCPAC's complaint asserted that the committee nonetheless is continuing to operate in such a manner as to render it subject to the reporting requirements of the Act. NCPAC further alleged that the

2/ The memo, written by Ed Quick, A.A. to Senator Eagleton, outlines five steps which should be undertaken to defeat NCPAC attempts to undermine local candidates. Specifically, the memo urges the "creat[ion of] an independent [emphasis in the original] (and if possible, bipartisan with other moderates) 'watch dog' committee to investigate and rebut gross distortions, excesses, and inaccuracies in the campaign...Rebuttal to NCPAC's attacks should come from the committee and not the candidate."

committee has violated the registration requirements and has also failed to indicate on its statement of organization that it is affiliated with the campaign committee.

Respondents were notified of the complaint on June 9, 1982. On June 24, 1982, Mr. Alve Thomas responded to the complaint. In his response, Mr. Thomas acknowledged that the committee filed a statement of organization with the Commission and that the statement did not state that the committee was authorized by or affiliated with any candidate or other political committee. He explained that the committee requested termination of its reporting requirements (on December 26, 1981) based upon advice of counsel which concluded that the activities of the committee were not such as to trigger the reporting and disclosure requirements of the Act. He also referred to the fact that RAD notified the committee (on January 22, 1982) that its letter had been accepted as a termination filing. (The letter did advise, however, that reporting requirements may be triggered by future activity). Mr. Thomas' letter pointed to RAD's letter to support the committee's assertion that it had no further filing obligations.

Mr. Thomas included in his response copies of letters written on behalf of the committee which, he asserted, show that

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the activities undertaken by the committee were outside the scope of the FECA requirements. Finally, while he acknowledged NCPAC's allegation regarding the existence of a memorandum prepared by Ed Quick, Administrative Assistant to Senator Eagleton, Mr. Thomas denied that NCPAC's exhibit (which appeared to outline a presentation to be made to the Democratic Congressional Campaign Committee on July 24, 1981) "had anything to do with the formation of the Montana Nonpartisan Fair Campaigns Committee."

On June 24, 1982, counsel for respondents Senator Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett submitted a statement which argued against the existence of a valid basis for the complaint. Alternatively, counsel requested a 30 day extension during which to prepare a response on the merits of the matter. The extension was granted by this Office on July 2, 1982. The response was due by July 28, 1982. On August 23, 1982, a response was submitted by Mr. Evan Barrett, Campaign Manager for the Melcher for Senate Committee. Mr. Barrett's letter reasserted that "neither myself nor any member of our campaign organization or the Senator's senate staff had anything to do with the creation of or the ongoing activities of the Montana Non-Partisan Fair Campaign Committee." See attachment 3.

II. Legal Analysis

A. Whether the complaint is sufficient in light of the fact that it is based on a newspaper article quoting anonymous sources.

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NCPAC offers as evidence that the committee is subject to FECA requirements a newspaper article which relies entirely upon information supplied by three anonymous sources. On the other hand, Senator Melcher and Mr. Thomas appear on the record in that same article denying the existence of any link between the committee and the Melcher campaign.

Whether the Commission should consider complaints based upon information derived from newspaper sources was addressed by the Commission in April, 1978, when Directive No. 6 provided in part that "[n]ews articles and similar published accounts of possible violations may, under certain conditions, constitute the source of internally generated MURs." The Directive further noted that newspaper articles must be reliable. Here, the article quotes sources verbatim as saying that Senator Melcher and his campaign committee were involved in forming the committee. Admittedly, the sources are anonymous, but it appears probable that the statements were actually made. The complainant, Mr. Dolan, on behalf of NCPAC, has indicated that his information and belief is based on the newspaper article. See 11 C.F.R. § 111.4(d)(2). Under the circumstances, the Office of General Counsel believes that the Commission may treat NCPAC's complaint herein as a proper complaint.

B. Whether the committee violated 2 U.S.C. §§ 433(a) and 434(a)(1).

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While Mr. Thomas' reply includes samples of letters and press releases issued by the committee which support the notion that their activities were nonpartisan, there is no indication that these are the only kinds of communications issued by the committee. If, as NCPAC has alleged, Senator Melcher or any of his representatives or campaign agents assisted in establishing such an "independent" committee to counter the NCPAC ads directed against his campaign, the disbursements by the committee would be expenditures under the Act. The "sources" have indicated active participation in the formation of the committee by both the campaign organization and the candidate directly. While we do not have evidence of how much money the committee has expended, it appears that more than one direct mailing has been conducted.

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The primary condition that should be present is that the complainant has submitted sufficient evidence of a violation for the Commission to determine that there is reason to believe that the respondents violated the Act. It is the view of the Office of General Counsel that the responses to the complaint do not provide sufficient evidence to overcome the allegations at this stage.

Accordingly, it is the recommendation of this Office that the Commission find reason to believe that the Montana

Nonpartisan Fair Campaigns Committee violated 2 U.S.C. § 433(a) by failing to maintain its registration and § 434(a)(1) by failing to file the periodic reports of receipts and expenditures.

C. Whether the committee and the campaign committee are affiliated and have therefore violated 2 U.S.C. § 433(b)(2).

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The committee's statement of organization indicated that it supported more than one federal candidate and that it was not affiliated with any other political committee. Other than information supplied by the complainant, there is no independent means for this Office to verify the validity of the statements made by the unnamed sources in the newspaper article. The article raised the point, however, that Mr. Thomas, although originally willing to allow a reporter to review the committee's list of contributors, declined to open the books after the issue of a link to the Melcher organization was raised. Furthermore, heading III of the Quick memorandum, pertaining to the formation of "watchdog" committees, raises the question as to the independence of this committee.

Accordingly, it is the recommendation of the Office of General Counsel that the Commission find reason to believe that both of the committees violated 2 U.S.C. § 433(b)(2).

III. Recommendations

1. Find reason to believe that the Montana Nonpartisan Fair Campaigns Committee violated 2 U.S.C. §§ 433(a), 433(b) (2) and 434(a) (1).

2. Find reason to believe that the Melcher for Senate Committee violated 2 U.S.C. § 433(b) (2).

3. Approve and send the attached letters (2).

Charles N. Steele
General Counsel

August 24, 1982
Date

Kenneth A. Gross
BY: Kenneth A. Gross
Associate General Counsel

Attachments:

1. Response filed by Alve Thomas and the Montana Nonpartisan Fair Campaigns Committee.
2. Response filed by the Melcher for Senate Committee, Senator Melcher and Evan Barrett.
3. Response filed by Mr. Evan Barrett.
4. Letter to counsel for the Melcher for Senate Committee.
5. Letter to the Montana Nonpartisan Fair Campaigns Committee.

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Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

June 24, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Mr. Charles N. Steele
General Counsel
1325 K. Street, N.W.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1450

10/130 P 2:25

Dear Mr. Steele:

Please accept this letter, along with enclosures, as an official response to complaint charges filed by Mr. John T. Dolan, representing the National Conservative Political Committee, against Alve Thomas, 1703 Highland, Helena, Montana 59601. Complaint will hereinafter be referred to as MUR 1450.

Respondent Alve Thomas sees no reason to maintain confidentiality from the public in this matter, and herein authorizes you to release any and all such information you possess regarding MUR 1450.

Respondent Alve Thomas shall attempt to answer each "charge" in turn, even though said "charges" have not been ordered by number or letter, or otherwise designated.

(1) Respondent Alve Thomas acknowledges that on or about October 13, 1981, he, on behalf of the Montana Nonpartisan Fair Campaigns Committee filed with the Federal Election Commission a statement of Organization, FEC Form 1. Respondent further acknowledges that such "Statement of Organization" does not state that it is authorized by any candidate or affiliated with any other committee.

Respondent denies that such filing constitutes any violation under 2 U.S.C. 431, et seq. and, although later discovered that such filing was not required, believes that it demonstrated an effort to comply with any applicable regulations regarding the activities of Respondent. Respondent further affirms that there is no claim of authorization by candidate or affiliation with any other organization contained on filing form FEC Form 1, as no such authorization or affiliation exists.

Attachment 1
page 1

(2) Respondent Alve Thomas acknowledges that by letter dated December 26, 1981, Respondent terminated its unnecessary registration with the Federal Election Commission and received a letter from the Reports Analysis Division of the FEC, dated January 22, 1982, confirming said termination. Respondent denies that such action constitutes any violation under 2 U.S.C. 431, et seq. Respondent argues that, upon investigation, it was determined that the Montana Nonpartisan Fair Campaigns Committee was not required to file with the Federal Elections Commission, and subsequently terminated its registration.

Respondent acknowledges that it has not re-registered with the Federal Election Commission. Respondent denies that such inaction constitutes any violation under 2 U.S.C. 431, et seq. Respondent, in the affirmative, argues that the above-noted letter dated January 22, 1982, requires re-registration with the Commission ". . . in accordance with the Federal Election Campaign Act and applicable regulations." Said regulations require registration of committees which receive contributions or make expenditures in excess of \$1,000 during the calendar year for the purpose of influencing a federal election.

As the Montana Nonpartisan Fair Campaigns Committee performs no activities intended to influence any federal elections, nor does it advocate either support for or opposition to any candidate for federal office, it does not meet the required criteria for filing. In support of its arguments, enclosed are Exhibits "A" through "G" which constitute correspondence issued and received by the Montana Nonpartisan Fair Campaigns Committee. Said correspondence demonstrates the purpose and activities of the Montana Nonpartisan Fair Campaigns Committee, which purpose is to promote fair campaigns in Montana. They include:

Exhibit "A" - An undated letter sent to Montanans soliciting support for the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "B" - A letter dated January 20, 1982, sent to committee members, supporters and contributors soliciting support for the Montana Non Partisan Fair Campaigns Committee.

Exhibit "C" - A letter dated February 18, 1982 and sent to Mrs. Aubyn Curtiss, Chairperson of the Montana Republican Party, asking assistance in the committee's efforts to denounce negative campaigns in Montana.

Exhibit "D" - a letter dated February 18, 1982, and sent to Mr. Ron Richards, Chairman of the Montana Democratic Party, asking assistance in the Committee's efforts to denounce negative campaigns in Montana.

Attachment 1
page 2.

Exhibit "E" - A letter dated March 25, 1982, received by Mr. Alve Thomas, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Dennis P. Bergvall, Director of Communications for the Montana Republican State Central Committee, renouncing any contact or coordination of activities with the National Conservative Political Action Committee.

Exhibit "F" - A study of Montana Political Press coverage: October 24-30, 1981, conducted by the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "G" - A letter dated March 10, 1982, received by Mr. Alve Thomas and Mr. Thomas Payne, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Ron Richards, Chairman of the Montana Democratic Party, renouncing the activities of the National Conservative Political Action Committee in Montana and encouraging the Montana Nonpartisan Fair Campaigns Committee to continue in its efforts to insure fair campaigns in Montana.

(3) Respondent Alve Thomas acknowledges existence of Complainant's Exhibit "D". Respondent, however, denies that Complainant's Exhibit "D" establishes any proof of conspiracy to organize or to cause the organization of the Montana Nonpartisan Fair Campaigns Committee. Respondent further argues that no such conspiracy can be proven as no such conspiracy exists.

Respondent argues that statements credited to himself, made on behalf of the Montana Nonpartisan Fair Campaigns Committee, contained in Complainant's Exhibit "D", are accurate, and that such statements demonstrate that no conspiracy exists.

Respondent further argues that to base Complainant's charges on one newspaper story, whose only basis of information includes three "anonymous" sources who have yet to come forth and be identified, violates Respondent's rights to face, and be faced by his accusers. Respondent further believes that Complainant has failed to follow the provisions of 2 U.S.C. 437g(a)(1) which require statements (complaints) which are not based upon personal knowledge to be accompanied by an identification of the source of information which gives rise to the Complainant's belief in the truth of such statements. Respondent encourages Complainant to produce said "anonymous" sources, if possible.

Respondent acknowledges existence of Complainant's Exhibit "E", but denies said exhibit had anything to do with the formation of the Montana Nonpartisan Fair Campaigns Committee.

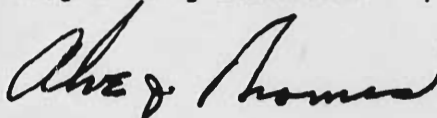
Attachment 1
page 3

Respondent argues in the affirmative that Complainant's (the National Conservative Political Action Committee) charges are false and misleading. Respondent further argues that said charges were filed on May 27, 1982, just 12 days before the Montana June Primary Election, a full 50 days following public issuance of Complainant's Exhibit "D" in the Montana press. Respondent argues that such filing was "timed" with intention to influence the Montana primary elections, and had no basis in fact. Such tactics are not uncommon to political campaigns.

Respondent finally argues that Complainant's charges in total have no basis in fact, nor can they be substantiated.

Respondent Alve Thomas requests that, in accordance with 2 U.S.C. 431, et seq., Complainant's charges be dismissed and that such order be made public.

Respectfully submitted,



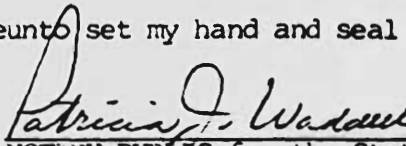
Alve Thomas

Enclosures

STATE OF MONTANA)
)SS:
County of Lewis and Clark)

On this 25th day of June, 1982, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ALVE THOMAS, and acknowledged to me that he executed the above instrument.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first above written.



NOTARY PUBLIC for the State of Montana
Residing at: Helena, Montana
My Commission Expires: 3-17-85

(SEAL)

Attachment 1
page 4

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Shechy
Nancy C. Walter

Founding Supporters

John McGregor, M.D., Great Falls
H. Chet Ross, D.V.M., Kalispell
Michael M. Nash, Bozeman
Tom Payne, University of Montana
Joanne Woodgerd, Stevensville
Dennis Wiedmann, Carroll College
Eileen Egeland, Helena

Fellow Montanan:

The National Conservative Political Action Committee (NCPAC), who has attacked incumbent Senators in many states on single issues over the last two years, has targeted Montana as a state to tell how to vote in 1982 political races.

Recently NCPAC has attempted to purchase time on Montana television and radio stations to attack U.S. Senator John Melcher who will be standing for reelection in 1982. The first two television stations approached refused to run the ads because of questionable authenticity of the material. We understand NCPAC's efforts will continue with plans to place these ads after revisions are made.

NCPAC is an Arlington, Virginia organization that conducts negative smear campaigns against U.S. Senators and Congressmen. It has a record of attacking and distorting an incumbent's voting record on any single issue with which NCPAC doesn't agree.

Senator Melcher is only one of a number of incumbents from both parties who have been targeted by NCPAC for extinction. Republicans such as Weicker, Chaffee and Stafford and Democrats like Jackson, Burdick and Proxmire are a few who have been targeted for removal from office by NCPAC.

NCPAC has already started their smear campaign against Senator Melcher and have displayed their disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating that Senator Melcher voted the opposite of his actual recorded votes. When challenged with the facts, they were forced to admit their error and have apologized.

We strongly believe that a broad-based nonpartisan committee must be formed in Montana to combat this out-of-state pressure group and its smear tactics. It is our view that groups like NCPAC are an unwarranted and unwelcome intruder in the Montana political scene.

We believe that the 1982 campaigns should be based on issues pertinent to

Attachment 1
page 5

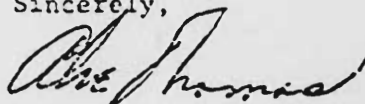
Montana such as interest rates, housing, energy development, agriculture, education and the economy, not based on false issues dictated to us by out-of-state manipulators.

The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. We are convinced that positions will be debated on Montana issues, free of the intrusive influence of NCPAC, a group that has no roots in our state, and is completely out of the mainstream of acceptable political practices.

Montanans have traditionally resented and resisted the efforts of out-of-state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

If you agree that groups like NCPAC are contrary to Montanans' interests and that a committee must be formed to promote and protect fair campaign practices in Montana, please fill in and mail the enclosed form today.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan
Fair Campaigns Committee

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDED SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee--to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

Attachment 1
page 6

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

January 20, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christensen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Founding Supporters

John McGregor, M.D.
Great Falls
H. Chet Ross, D.V.M.
Hatspelt
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Kenne Woodgerd,
Stevensville
Lennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Dear Committee Members, Supporters and Contributors:

The Montana Nonpartisan Fair Campaign Committee (MNFCC) is in operation and has plans for more activities during 1982.

The purpose of the organization is to oppose unfair campaign activities--especially the actions of National Conservative Political Action Committee (NCPAC), an Arlington, Virginia organization that conducts negative campaigns against U.S. Senators and Congressmen.

For example, NCPAC has already started a smear campaign against Montana's Senior Senator and has sponsored television and radio ads in the Billings area attacking and distorting the Senator's voting record. Some television stations in the area did not accept the ads because of questionable and unreliable content. MNFCC has reports that NCPAC plans a Montana television and radio campaign starting next month.

We anticipated placing television and radio spots on Billings stations during the NCPAC fall campaign but for two reasons decided not to at that time.

The first reason was that we did not receive enough money by the time NCPAC ads were being aired to finance the spots. The second reason was that the ads were so ineffective and the organizers so badly discredited that we were convinced the money would have been wasted.

We have received contributions from 30 individuals and organizations and have developed a television and radio spot to expose the mud-slinging tactics of NCPAC should we find that exposure is required. If or when appropriate, we will use the material.

We know that although NCPAC has been less than successful in Montana to date, it will continue its spurious methods during 1982.

We believe Montana campaigns should be based on Montana issues, e.g., interest rates, full employment, housing, energy development, agriculture, education and the general economy. We plan to fight

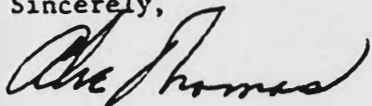
Attachment 1
Page 7

Committee Members, Supporters and Contributors
January 20, 1982
Page 2

such out-of-state groups as NCPAC and any other unfair campaign groups or practices. (See enclosed story.)

We want to thank those who have contributed to the effort for fair campaigns. Enclosed is another form for contributions. We expect NCPAC will be well-funded with out-of-state money and we hope to be able to buy television and radio time and newspaper ads to counter any efforts that may fairly deserve countering.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan Fair Campaign Committee

Enc.

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDED SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee-- to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

Attachment 1
page 8

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

February 18, 1982

Founding Supporters

John McGregor, M.D.
Great Falls
H. Chet Ross, D.V.M.
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Mrs. Aubyn Curtiss, Chair
Montana Republican Party
1425 Helena Avenue
Helena, Montana 59601

Dear Mrs. Curtiss:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

We encourage vigorous public debate on issues pertinent to Montana and not on false issues dictated to us by out of state manipulators.

The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. Montanans have traditionally resented and resisted the efforts of out of state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

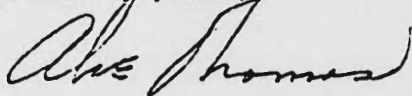
Attachment 1
page 9

Mrs. Aubyn Curtiss
February 18, 1982
Page 2

On behalf of the Montana Nonpartisan Fair Campaign Committee, we ask you to discourage irresponsible out of state groups from operating in Montana. We urge you to ask your candidates and supporters to deny their time and money to such unethical efforts. We ask that your executive committee officially denounce all negative out of state groups as being a distortion of the Montana political process.

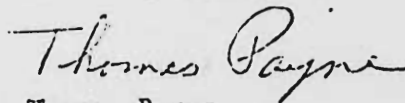
We expect to have strong and vigorous campaigns in the state in 1982 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

92040350047

Attachment 1
page 10

Exhibit "D"

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

February 18, 1982

Founding Supporters

John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Kennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Mr. Ron Richards, Chairman
Montana Democratic Party
P.O. Box 802
Helena, Montana 59601

Dear Mr. Richards:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

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The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. Montanans have traditionally resented and resisted the efforts of out of state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

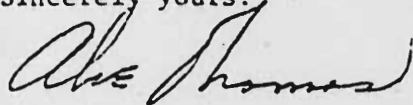
Attachment 1
page 11

Mr. Ron Richards
February 18, 1982
Page 2

On behalf of the Montana Nonpartisan Fair Campaign Committee, we ask you to discourage irresponsible out of state groups from operating in Montana. We urge you to ask your candidates and supporters to deny their time and money to such unethical efforts. We ask that your executive committee officially denounce all negative out of state groups as being a distortion of the Montana political process.

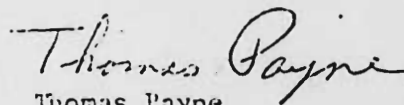
We expect to have strong and vigorous campaigns in the state in 1982 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

12040360051

Attachment 1
Page 12

Exhibit 'E'



Montana Republican State Central Committee

(406) 442-6469

1425 Helena Avenue

Helena, Montana 59601

Aubyn Curtiss
State Chairman
Walter H. Johnson
Vice Chairman
Clark Pyler
Treasurer
Shirley Warehime
Assistant Treasurer

Jean Birch
National Committeewoman
Jack Galt
National Committeeman
Dr. David Colmey
Finance Chairman

March 25, 1982

Alve Thomas
Montana Nonpartisan
Fair Campaigns Committee
Box 4146
Helena, MT. 59604

Dear Mr. Thomas,

This may help clarify our position for you:

The Montana Republican Central Committee has never been contacted by the National Conservative Political Action Committee nor has the party had any part in its activities in the state.

Sincerely,

Dennis P. Bergvall
Director of Communications

Attachment 1
page 13

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Montana Political Press Coverage: October 24 - 30, 1981

Introduction

Accusations are often made in Montana by political candidates and parties that the press is distorting the news or giving an unwarranted amount of coverage to their opponents.

This charge was most recently made by Congressman Ron Marlenee on October 23, 1981, before the Montana Federation of Republican Womens' Clubs, when he asserted that Democrats and environmentalists received a disproportionate amount of media coverage in Montana.

The Montana Nonpartisan Fair Campaign Committee (MNFCC) became concerned with Congressman Marlenee's contention because a key component of any political campaign is the amount of coverage a candidate, political party or interest group receives. We believe that the best way to rectify any problems of alleged bias in the press is first to study the question and if the study determines bias to publicize the findings and hope the media will correct any problems that might be present.

In order to determine if Congressman Marlenee's comments had any validity, the MNFCC conducted a study of the content of two of Montana's daily newspapers, the Great Falls Tribune and the Helena Independent Record. The study period covered a one week period from October 24 through October 30, 1981. A total of 114 stories were analyzed.

Our study reveals that neither Democrats nor environmentalists received a disproportionate amount of coverage. In fact the Republicans received a majority, 51%, of the coverage in the stories studied.

The study methodology, results and conclusions of the study follow.

Attachment 1
page 14

Methodology

MNFCC studied the contents of the Great Falls Tribune and Helena Independent Record for the period starting October 24 through 30, 1981. The study does not purport to represent the entire media of radio, television or newspapers. However, since most of these media rely on similar wire services and capitol bureaus, we believe the results demonstrate some interesting trends which are relevant to the state's press coverage of political spokesmen.

Only news stories containing information about positions or events involving Democrats, Republicans, Libertarians, environmental groups or opponents to environmental groups were studied.

MNFCC did not include opinion page columns, features labeled news analysis, advertisements or letters to the editors. Stories involving local government were also not studied because of the difficulty is determining party affiliation when so many local offices are nonpartisan.

Each story under study had the column inches measured that were devoted to each group in the study. Since column size varies within each newspaper, a conversion factor was used to develop comparable units of measure.

Results

A total of 114 news stories were studied, 57 from the Independent Record and 52 from the Great Falls Tribune. Chart A lists the findings.

Chart A

	Column Inches <u>Great Falls Tribune</u>	Column Inches <u>Independent Record</u>	<u>Total</u>
Democrats	234.25 (42%)	202.73 (44%)	436.98 (43%)
Republicans	278.37 (50%)	232.81 (51%)	511.18 (51%)
Libertarians	7.5 (1%)	.5% (.1%)	8.0 (1%)
Environmental Groups	20.12 (4%)	9.5 (2%)	29.62 (3%)
Opponents to Env. Groups	11.25 (2%)	11.25 (2%)	22.50 (2%)
	551.49	456.79	1008.28

Attachment 1
page 15

92040360054

Conclusions

MNFCC's study indicates that there is not decidedly disproportionate coverage being given to either Democrats or environmentalists. In fact, in both the Tribune and the Independent Record, the Republicans received the majority of the coverage among political parties.

In the study week, very little coverage was given to environmental issues. No overt bias was detected.

The study concludes that a major factor in political press coverage is incumbency. This is not a particularly new or startling revelation. Present elected officials receive the vast majority of coverage because they hold positions of political power and influence. The fact that the Libertarian Party spokesmen received such a small amount of coverage is most likely correlated to the fact that they hold no elected offices in Montana and are a relatively new party.

The Republicans and the Democrats are able to receive coverage because their candidates have been able to be elected and therefore are covered by the press. President Reagan and Republican leaders, based on our study, are very adept at getting their views across in the press. It has been noted many times that the success of the Republicans' efforts in Congress is in large part due to the President's excellent abilities as a public communicator.

This same trend is demonstrated in the large amount of coverage received by Democratic leaders such as Governor Schwinden and Senators Melcher and Baucus.

The study indicates that both papers gave did a very similar job job in allocating space to political spokesmen. The Tribune devoted 50% of their space to the Republicans and 42% to the Democrats. The Independent Record gave 51% of their coverage to Republicans and 44% to the Democrats.

By in large, the study indicates the press is doing its job. MNFCC would urge all parties concerned with issues facing Montana to continue to put forth their positions in the press and contribute to the public debate. Only through this system of a free press will the voters be able to make informed opinions and exercise their rights and obligations at the polls.

Attachment 1
page 16

Exhibit "G"



March 10, 1982

Alve Thomas &
Thomas Payne
Montana Nonpartisan
Fair Campaigns Committee
P. O. Box 4146
Helena, MT 59604

Dear Alve and Tom:

The Montana Democratic Party shares your concerns about the recent activities of the National Conservative Political Action Committee (NCPAC) in Montana.

We believe such extremist groups as NCPAC do little to add to the public debate of important issues facing Montanans. NCPAC seems intent on spending thousands of dollars to try and tell Montanans what issues we should be concerned about.

The Democratic Party has actively opposed NCPAC on numerous occasions in the last year. We have spoken out in the press when NCPAC has lied or distorted Sen. Melcher's record, we have been educating our candidates and members about NCPAC's tactics and we have successfully had counter-NCPAC television ads run on six Montana stations under provisions of the Fairness Doctrine.

We strongly agree with MNFCC that Montanans deserve a rigorous debate of the issues. We have historically encouraged such debate within the Democratic Party and by our candidates during campaigns.

The Montana Democratic Party will continue to denounce the involvement of out-of-state extremist groups in Montana's political process. We will urge our members and candidates not to participate with such organizations.

Montana Democratic Central Committee • Steamboat Block, Room 303 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

Executive Board

Ron Richards Chairman	Sharon Peterson Vice Chairman	N. J. Dougherty Secretary	Ralph Dixon Treasurer	Joe Thompson Executive Director	James Pasma Nepotism Committee	Dorothy Bradley Ethics Committee
Phil Campbell	Jerry Hudspeth	Wilma Jodsaas	Sally Jordan	Don Miller	Rich Pastorinis	Bob Wilkins
Helen Christensen	Chas Jeniker	Janne Johnstad	Helen Kerr	Don Johnson	Howard Toole	Ebbie Wolfe
Sen. Chet Blaylock		Rep. Dan Kemmis		Rep. Mike		Sherril Strog

Attachment 1
page 17

Alve Thomas & Thomas Payne
March 10, 1982
Page two

I want to make one point clear, the Montana Democratic Party does not object to its candidates or members working with political action committees that have a legitimate concern about Montana's elections and people. What we do object to are PAC's using loopholes in the election laws to run totally negative campaigns which are designed to distort the public's opinion about a candidate.

Please thank the members of MNFCC for their efforts to promote fair campaigns in Montana. Keep up the good work. If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

RON RICHARDS
Chairman

njh

32040360057

Attachment 1
page 18

HAND DELIVERED

2 1908

G CC# 8017

PERKINS, COIE, STONE, OLSEN & WILLIAMS JUN 20 12:27

ANCHORAGE OFFICE

420 "L" STREET
SUITE 301

ANCHORAGE, ALASKA 99501

TELEPHONE: 907-279-8551

TELECOPIER: 907-276-3108

1110 VERMONT AVENUE, N.W.

WASHINGTON, D.C. 20005

TELEPHONE: 202-687-9030

SEATTLE OFFICE

1900 WASHINGTON BUILDING
SEATTLE, WASHINGTON 98101

TELEPHONE: 206-682-8770

TELECOPIER: 206-682-8784

CABLE "PERKINS SEATTLE"

DOM TELE: 32-0319

INT'L TELE: 47123

PLEASE REPLY TO WASHINGTON, D.C. OFFICE

June 24, 1982

HAND DELIVERED

Office of the General Counsel
Attn: Steve Mims
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1450

Dear Sir:

This letter is to notify you that the undersigned counsel has been designated as counsel for Senator John Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett (hereinafter "Respondent Melcher, et al.") in the Matter Under Review No. 1450. Statements of Designation of Counsel from Senator Melcher, his committee and Mr. Barrett will be forwarded to you in the near future.

It is respondent's position that in accordance with the requirements of § 111.4(d) of the Federal Election Commission Regulations, the complaint filed in this matter should be promptly dismissed for failure to provide adequate information upon which the Commission could appropriately act. The entire complaint hinges on one newspaper article, which, in turn, relies exclusively on anonymous sources to establish that respondents were involved in the formation of a purportedly Non Partisan Fair Campaign Committee in Montana.* All of the respondents, on the record, have denied this allegation. Respondents Melcher, et al., in particular, have unequivocally rejected the allegations made by anonymous sources in this

*Complainant also submits a document allegedly produced by the Democratic Congressional Campaign Committee counseling candidates to establish "nonpartisan" committees to assist in countering negative campaign advertising. This document adds nothing; neither the article in question nor the complaint establishes that Respondent Melcher, et al. or any respondent possessed, read, knew of, or acted upon the recommendations contained in this document.

Attachment 2
page 1

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article. Thus, the complainant in this matter has submitted a newspaper article which offers noting in the way of concrete information upon which the Commission could proceed. Instead, in the face of the specific denials made by all respondents on the public record, there is offered only "sources" who "asked not to be identified," "asked for anonymity," or "wouldn't allow his name to be used"

It is clear from § 111.4(d) of the FEC Regulations that complaintant's allegations "not based upon personal knowledge" must "be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements." This is a significant requirement which spares the FEC a waste of resources, and the respondents a frivolous and unfounded complaint, by mandating that a complaint contain a reasonable threshold of evidence before the FEC can take further action to process it. Thus, the FEC's Explanation and Justification for § 111.4(d) states clearly that:

Subsection (d) sets forth additional requirements which should be complied with in order to provide the Commission with sufficient information to address a complaint fully. The Commission may find that a complaint which does not comply with subsection (d) provides insufficient information, and for that reason, may vote to take no action on a complaint.

This complaint, therefore, is no different, in effect, than an anonymous complaint which would be patently unacceptable under the law. Surely anonymous allegations cannot be transformed into weightier testimony by interposing a notarized complaint-- a complaint which rests nonetheless on anonymous information only. If the FEC finds this complaint actionable, even at this preliminary stage, it is setting a precedent which would be the source of no end of mischief to candidates, committees and others subject to the requirements of the FECA and to the enforcement authority of the Commission.

Accordingly, Respondents Melcher, et al. request immediate rejection of this complaint.

In the event that the FEC determines to proceed, nonetheless, Respondents Melcher, et al. request an extension of thirty (30) days in order to respond to the complaint. Due to

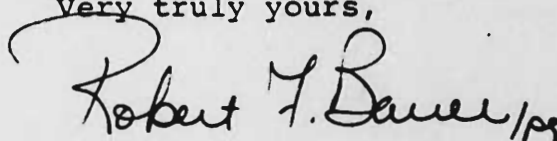
Attachment 2
page 2

Federal Election Commission
June 24, 1982
Page Three

delay in transmission of the complaint to counsel, and to the difficulties in coordinating materials and personnel between Washington, D.C. and Montana, we will be unable to complete a response within the initial fifteen (15) days provided by statute.

We appreciate your consideration in this matter. If you have any questions or need additional information, please do not hesitate to contact the undersigned counsel.

Very truly yours,



Robert F. Bauer
Counsel to
Respondents Melcher, et al. .

RFB:peg

32040360060

Attachment 2
page 3

666-8298

JOHN MELCHER

FOR SENATE • DEMOCRAT
2 AUG 23 PM 12:20

James Ziegler, Chairman
Tony Gerharz, Treasurer

Box 31794
Billings, Montana 59107

August 10, 1982

Stephen Mins
Office of General Counsel
Federal Elections Commission
1325 K Street
Washington, D.C. 20463

Re: MUR 1450

Dear Mr. Mins:

32040360061

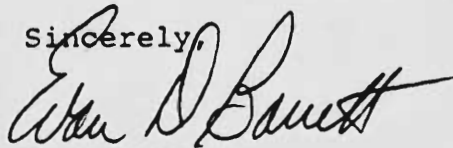
This letter is in regard to allegations made to you by the National Conservative Political Action Committee concerning its belief that either Senator Melcher, myself or our campaign organization was involved in the formation of or activities of the Montana Non-Partisan Fair Campaign Committee. As was noted in the June 24 letter from Robert Bauer, who is representing us in this case, the allegations of NCPAC are totally unsubstantiated and rely upon a single newspaper story, which is itself based upon comments from anonymous persons. We concur with Mr. Bauer that the complaint by NCPAC should be dismissed on the face of it because the complainant has presented no evidence to substantiate its claim.

However, for the record, we want the Federal Elections Commission to know that neither Senator Melcher, myself nor any member of our campaign organization or the Senator's senate staff had anything to do with the creation of or the ongoing activities of the Montana Non-Partisan Fair Campaign Committee. As campaign manager, I am authorized to make these statements on behalf of myself, our committee and Senator Melcher.

We hope you bring this matter to a conclusion soon to remove these irresponsible charges from the political arena.

If you have any questions, feel free to contact me.

Sincerely,



Evan Barrett
Campaign Manager

Jan Smith - Notary
Aug. 18, 1982
Butte, Mont.
11-1-84

Attachment 3
page 1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert F. Bauer, Esquire
Perkins, Coie, Stone, Olsen & Williams
1110 Vermont Avenue, N.W.
Washington, DC 20005

Re: MUR 1450

Dear Mr. Bauer:

The Federal Election Commission notified you on June 9, 1982, of a complaint which alleges that your clients had violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on August 1, 1982, determined that there is reason to believe that your client, the Melcher for Senate Committee, violated 2 U.S.C. § 433(b)(2), a provision of the Act. Specifically, it appears that your committee is affiliated with the Montana Nonpartisan Fair Campaigns Committee.

You may submit any factual or legal materials which you believe are relevant to the Commission's determination of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 this matter to be made public.

Attachment 4
page 1

Page 2
Melcher for Senate Committee

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039.

Sincerely,

Enclosures
Procedures

32040360063

Attachment 4
page 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Alve Thomas, Chairman
The Montana Nonpartisan Fair Campaigns Committee
Box 4146
Helena, MT 59604

Re: MUR 1450

Dear Mr. Thomas:

The Federal Election Commission notified you on June 9, 1982, of a complaint which alleges that your committee had violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on August , 1982, determined that there is reason to believe that your committee violated 2 U.S.C. §§ 433(a), 433(b)(2) and 434(a)(1), provisions of the Act. Specifically, it appears that your committee is a political committee and that it is affiliated with the Melcher for Senate Committee. As such it has failed to maintain its statement of organization with the Commission; has failed to indicate that it is affiliated with the Melcher for Senate Committee; and has failed to file the reports of receipts and expenditures required by the Act.

You may submit any factual or legal materials which you believe are relevant to the Commission's determination of this matter. Please file any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your committee, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2 of the enclosed procedures.

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 this matter to be made public.

Attachment 5
page 1

Page 2
Montana Nonpartisan Fair Campaigns Committee

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202) 523-4039.

Sincerely,

Enclosures
Procedures

32040360063

Attachment 5
page 2



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MEMORANDUM TO: CHARLES N. STEELE
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *jcr*
DATE: JULY 30, 1982
SUBJECT: MUR 1450 - Report dated July 29, 1982;
Received in OCS, 7-29-82, 9:59

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, July 29, 1982.

There were no objections to the report at the time of the deadline.

Attached is a copy of Commissioner Reiche's vote sheet with comments.

Attachment:
Vote sheet

32040360065

KOD



24-HOUR NO-OBJECTION MATTER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20541

SENSITIVE

DATE & TIME OF TRANSMITTAL THURSDAY, 7-29-82, 4:00

COMMISSIONER McGARRY, AIKENS, McDONALD, ELLIOTT, REICHE, HARRIS

RETURN TO OFFICE OF COMMISSION SECRETARY BY: FRIDAY, JULY 30, 1982 at 4:00

SUBJECT: MUR 1450 - Report dated July 29, 1982

() I object to the recommendation in the attached report.

COMMENTS:

No objection -- but also -- no
further extensions.

Date

7/30/82

Signature

Frank P. Reiche

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ONLY THE VOTE SHEET TO THE SECRETARY.

0204050168

cc: Mims

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

82 JUL 29 A 9: 59

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 7-29-82

MUR 1450
DATE COMPLAINT RECEIVED
BY OGC June 7, 1982
DATE OF NOTIFICATION TO
RESPONDENT June 9, 1982
STAFF MEMBER Steve Mims

COMPLAINANT'S NAME: NATIONAL CONSERVATIVE POLITICAL ACTION
COMMITTEE

RESPONDENT'S NAME: SENATOR JOHN MELCHER, THE MELCHER FOR SENATE
COMMITTEE, MR. EVAN BARRETT, THE MONTANA NON
PARTISAN FAIR CAMPAIGN COMMITTEE AND MR. ALVE
THOMAS

RELEVANT STATUTE: 2 U.S.C. §§ 433(a), 433(b)(2) and 434 (a)(1)

INTERNAL REPORTS CHECKED: MONTANA NON PARTISAN FAIR CAMPAIGN
COMMITTEE

FEDERAL AGENCIES CHECKED: NONE

On June 7, 1982, the Office of General Counsel received a
complaint filed by the National Conservative Political Action
Committee (NCPAC) which alleged that the respondents * have
violated or have conspired to violate the Act.

The basis for the allegations is a newspaper article which
appeared in the Great Falls Tribune on April 19, 1982. That
article quotes an unnamed source as stating that the Melcher
organization participated in the creation of the Montana Non
Partisan Fair Campaign Committee (a group organized to counter
NCPAC political advertising in the state of Montana). NCPAC

*/ Senator John Melcher, the Melcher for Senate Committee, Mr.
Evan Barrett, the Montana Non Partisan Fair Campaign Committee
and Mr. Alve Thomas.

further alleged that this organization is a political committee and that it is affiliated with Senator Melcher's campaign. The allegations, therefore, indicate possible violations of 2 U.S.C. §§ 434(a)(1), 433(a) and 433(b)(2).

Respondents were notified of the complaint on June 9, 1982.

On June 24, 1982, counsel for respondents Senator Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett submitted a statement which argued against the existence of a valid basis for the complaint. Alternatively, counsel requested a 30 day extension during which to prepare a response on the merits of the matter.

The extension was granted by this Office on July 2, 1982. The response is due on July 28, 1982.

Due to the nature of the basis for the complaint and the factual issues surrounding the violations in question, this Office will need an opportunity to review the responses prior to making a recommendation to the Commission in this matter.

We anticipate that the General Counsel's Report making recommendations will be circulated to the Commission no later than Friday, August 13, 1982.

Date

July 28, 1982

Charles N. Steele
General Counsel

By:

Kenneth A. Gross
Associate General Counsel

GCC#8298

JOHN MELCHER

FOR SENATE • DEMOCRAT
2 AUG 23 12:20

James Ziegler, Chairman
Tony Gerharz, Treasurer

Box 31784
Billings, Montana 59107

August 10, 1982

Stephen Mins
Office of General Counsel
Federal Elections Commission
1325 K Street
Washington, D.C. 20463

Re: MUR 1450

Dear Mr. Mins:

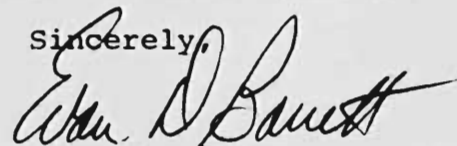
This letter is in regard to allegations made to you by the National Conservative Political Action Committee concerning its belief that either Senator Melcher, myself or our campaign organization was involved in the formation of or activities of the Montana Non-Partisan Fair Campaign Committee. As was noted in the June 24 letter from Robert Bauer, who is representing us in this case, the allegations of NCPAC are totally unsubstantiated and rely upon a single newspaper story, which is itself based upon comments from anonymous persons. We concur with Mr. Bauer that the complaint by NCPAC should be dismissed on the face of it because the complainant has presented no evidence to substantiate its claim.

However, for the record, we want the Federal Elections Commission to know that neither Senator Melcher, myself nor any member of our campaign organization or the Senator's senate staff had anything to do with the creation of or the ongoing activities of the Montana Non-Partisan Fair Campaign Committee. As campaign manager, I am authorized to make these statements on behalf of myself, our committee and Senator Melcher.

We hope you bring this matter to a conclusion soon to remove these irresponsible charges from the political arena.

If you have any questions, feel free to contact me.

Sincerely,



Evan Barrett
Campaign Manager

Jan Smith - Notary
Aug. 13, 1982
Butte, Mont.
11-1-84

JOHN MELCHER

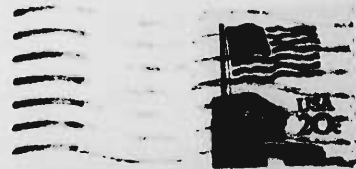
FOR SENATE

Box 31794

Billings, Montana 59107

ANTICRAFT, BUTTE

MUR-1450



Personal and Confidential

Stephen Mins
Office of General Counsel
Federal Elections Commission
1325 K Street
Washington, D.C. 20463

02 AUG 23 1982
A 9:52

Postmaster: Address correction requested

8204033012

204036000
**MONTANA'S
JOHN**

MELCHER

**SENATE
DEMOCRAT**

P.O. Box 1154 • Helena MT. 59624

ARTCRAFT, BUTTE



FEDERAL ELECTION COMMISSION
ATTN: STEVE MIMS
1325 K STREET NW
WASHINGTON, D.C. 20463

Postmaster: Address correction requested

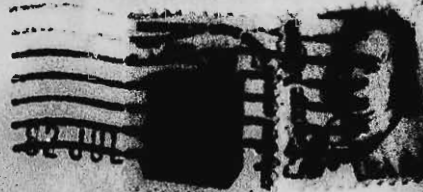
JOHN MELCHER

FOR SENATE

Box 31794

Billings, Montana 59107

ARTCRAFT BUTTE



Federal Election Commission
Washington D.C.
20463

Postmaster: Address correction requested



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 2, 1982

Mr. Robert F. Bauer, Esquire
Perkins, Coie, Stone, Olsen & Williams
1110 Vermont Avenue, N.W.
Washington, DC 20005

Re: MUR 1450

Dear Mr. Bauer:

This is in response to your letter dated June 24, 1982, in which you requested an extension of 30 days in which to submit a response to the complaint filed in the above-cited matter.

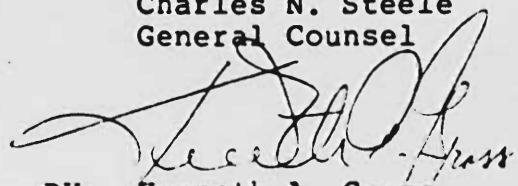
Under the procedures presently employed by the Office of General Counsel, any factual or legal materials which you believe would be relevant to the Commission's analysis of this matter would have been due in this Office by June 29, 1982. While I recognize the difficulty you might have in obtaining certain information from your clients (especially those located in Montana), I must point out that the Commission is under an obligation to complete its investigations with such expediency as is possible.

Accordingly, you are hereby afforded an additional 30 days from the original due date in order to submit your response. Your reply should reach the Office of General Counsel no later than July 28, 1982.

Should you have any further questions regarding this matter, please do not hesitate to call Stephen Mims at 523-4060.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

32040350075

201053

GCC#8066

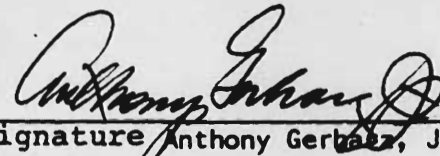
STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: **Robert. F. Bauer**
ADDRESS: **1110 Vermont Ave - Suite 1200**
Washington, D.C. 20005
TELEPHONE: **202/887-9030**

JUL 6 P 4: 23

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

June 30, 1982
Date


Signature Anthony Gerbasi, Jr., Treasurer

NAME: **Melcher for Senate Committee**
ADDRESS: **410 N. Broadway**
Billings, Mt. 59101

HOME PHONE:

BUSINESS PHONE: **406/248-1191**
406/442-6280

Re: MUR 1450

32040360075

20156

RECEIVED
GC# 8052

02 JUL 2 P1:23

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: **Robert F. Bauer**
ADDRESS: **1110 Vermont Ave. - Suite 1200**
Washington, D.C. 20005
TELEPHONE: **202/887-9030**

12 JUL 2 P1:54

RECEIVED
GENERAL COUNSEL

The above-named individual is hereby designated as counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/20/82
Date

Evan D Barrett
Signature

NAME: **EVAN D. BARRETT**
ADDRESS: **807 W. SILVER**
BUTTE MT 59701
HOME PHONE: **406/723-5305**
BUSINESS PHONE: **406/723-8211**

RE: MUR 1450

3204060077

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Robert F. Bauer

ADDRESS: 1110 Vermont Avenue, NW
Washington, DC 20005

TELEPHONE: 202/887-9030

The above-named individual is hereby designated as my
counsel and is authorized to receive any notifications and
other communications from the Commission and to act on my
behalf before the Commission.

IN RE: MUR 1450

June 29, 1982
Date

John Melcher
Signature

NAME: John Melcher

ADDRESS: 253 Russell
Washington, DC 20510

HOME PHONE:

BUSINESS PHONE: 202/224-2644

82040350078

2 JUL 1 P 3:11

82040360071

United States Senate

WASHINGTON, D.C. 20510

~~CONFIDENTIAL~~

John



Letter

U.S.S.

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

02 JUL 1 P1:15

001927 80048033

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

June 24, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Mr. Charles N. Steele
General Counsel
1325 K. Street, N.W.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1450

JUN 30 P 2: 25

Dear Mr. Steele:

Please accept this letter, along with enclosures, as an official response to complaint charges filed by Mr. John T. Dolan, representing the National Conservative Political Committee, against Alve Thomas, 1703 Highland, Helena, Montana 59601. Complaint will hereinafter be referred to as MUR 1450.

Respondent Alve Thomas sees no reason to maintain confidentiality from the public in this matter, and herein authorizes you to release any and all such information you possess regarding MUR 1450.

Respondent Alve Thomas shall attempt to answer each "charge" in turn, even though said "charges" have not been ordered by number or letter, or otherwise designated.

(1) Respondent Alve Thomas acknowledges that on or about October 13, 1981, he, on behalf of the Montana Nonpartisan Fair Campaigns Committee filed with the Federal Election Commission a statement of Organization, FEC Form 1. Respondent further acknowledges that such "Statement of Organization" does not state that it is authorized by any candidate or affiliated with any other committee.

Respondent denies that such filing constitutes any violation under 2 U.S.C. 431, et seq. and, although later discovered that such filing was not required, believes that it demonstrated an effort to comply with any applicable regulations regarding the activities of Respondent. Respondent further affirms that there is no claim of authorization by candidate or affiliation with any other organization contained on filing form FEC Form 1, as no such authorization or affiliation exists.

Founding Supporters

John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

(2) Respondent Alve Thomas acknowledges that by letter dated December 26, 1981, Respondent terminated its unnecessary registration with the Federal Election Commission and received a letter from the Reports Analysis Division of the FEC, dated January 22, 1982, confirming said termination. Respondent denies that such action constitutes any violation under 2 U.S.C. 431, et seq. Respondent argues that, upon investigation, it was determined that the Montana Nonpartisan Fair Campaigns Committee was not required to file with the Federal Elections Commission, and subsequently terminated its registration.

Respondent acknowledges that it has not re-registered with the Federal Election Commission. Respondent denies that such inaction constitutes any violation under 2 U.S.C. 431, et seq. Respondent, in the affirmative, argues that the above-noted letter dated January 22, 1982, requires re-registration with the Commission ". . . in accordance with the Federal Election Campaign Act and applicable regulations." Said regulations require registration of committees which receive contributions or make expenditures in excess of \$1,000 during the calendar year for the purpose of influencing a federal election.

As the Montana Nonpartisan Fair Campaigns Committee performs no activities intended to influence any federal elections, nor does it advocate either support for or opposition to any candidate for federal office, it does not meet the required criteria for filing. In support of its arguments, enclosed are Exhibits "A" through "G" which constitute correspondence issued and received by the Montana Nonpartisan Fair Campaigns Committee. Said correspondence demonstrates the purpose and activities of the Montana Nonpartisan Fair Campaigns Committee, which purpose is to promote fair campaigns in Montana. They include:

Exhibit "A" - An undated letter sent to Montanans soliciting support for the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "B" - A letter dated January 20, 1982, sent to committee members, supporters and contributors soliciting support for the Montana Non Partisan Fair Campaigns Committee.

Exhibit "C" - A letter dated February 18, 1982 and sent to Mrs. Aubyn Curtiss, Chairperson of the Montana Republican Party, asking assistance in the committee's efforts to denounce negative campaigns in Montana.

Exhibit "D" - a letter dated February 18, 1982, and sent to Mr. Ron Richards, Chairman of the Montana Democratic Party, asking assistance in the Committee's efforts to denounce negative campaigns in Montana.

Exhibit "E" - A letter dated March 25, 1982, received by Mr. Alve Thomas, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Dennis P. Bergvall, Director of Communications for the Montana Republican State Central Committee, renouncing any contact or coordination of activities with the National Conservative Political Action Committee.

Exhibit "F" - A study of Montana Political Press coverage: October 24-30, 1981, conducted by the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "G" - A letter dated March 10, 1982, received by Mr. Alve Thomas and Mr. Thomas Payne, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Ron Richards, Chairman of the Montana Democratic Party, renouncing the activities of the National Conservative Political Action Committee in Montana and encouraging the Montana Nonpartisan Fair Campaigns Committee to continue in its efforts to insure fair campaigns in Montana.

(3) Respondent Alve Thomas acknowledges existence of Complainant's Exhibit "D". Respondent, however, denies that Complainant's Exhibit "D" establishes any proof of conspiracy to organize or to cause the organization of the Montana Nonpartisan Fair Campaigns Committee. Respondent further argues that no such conspiracy can be proven as no such conspiracy exists.

Respondent argues that statements credited to himself, made on behalf of the Montana Nonpartisan Fair Campaigns Committee, contained in Complainant's Exhibit "D", are accurate, and that such statements demonstrate that no conspiracy exists.

Respondent further argues that to base Complainant's charges on one newspaper story, whose only basis of information includes three "anonymous" sources who have yet to come forth and be identified, violates Respondent's rights to face, and be faced by his accusers. Respondent further believes that Complainant has failed to follow the provisions of 2 U.S.C. 437g(a)(1) which require statements (complaints) which are not based upon personal knowledge to be accompanied by an identification of the source of information which gives rise to the Complainant's belief in the truth of such statements. Respondent encourages Complainant to produce said "anonymous" sources, if possible.

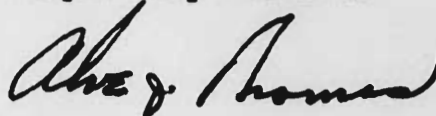
Respondent acknowledges existence of Complainant's Exhibit "E", but denies said exhibit had anything to do with the formation of the Montana Nonpartisan Fair Campaigns Committee.

Respondent argues in the affirmative that Complainant's (the National Conservative Political Action Committee) charges are false and misleading. Respondent further argues that said charges were filed on May 27, 1982, just 12 days before the Montana June Primary Election, a full 50 days following public issuance of Complainant's Exhibit "D" in the Montana press. Respondent argues that such filing was "timed" with intention to influence the Montana primary elections, and had no basis in fact. Such tactics are not uncommon to political campaigns.

Respondent finally argues that Complainant's charges in total have no basis in fact, nor can they be substantiated.

Respondent Alve Thomas requests that, in accordance with 2 U.S.C. 431, et seq., Complainant's charges be dismissed and that such order be made public.

Respectfully submitted,



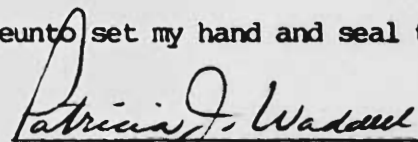
Alve Thomas

Enclosures

STATE OF MONTANA)
)ss:
County of Lewis and Clark)

On this 25th day of June, 1982, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ALVE THOMAS, and acknowledged to me that he executed the above instrument.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first above written.


NOTARY PUBLIC for the State of Montana
Residing at: Helena, Montana
My Commission Expires: 8-17-85

(SEAL)

32740360083

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Founding Supporters

John McGregor, M.D., Great Falls
H. Chet Ross, D.V.M., Kalispell
Michael M. Nash, Bozeman
Tom Payne, University of Montana
Joanne Woodgerd, Stevensville
Dennis Wiedmann, Carroll College
Eileen Egeland, Helena

Fellow Montanan:

The National Conservative Political Action Committee (NCPAC), who has attacked incumbent Senators in many states on single issues over the last two years, has targeted Montana as a state to tell how to vote in 1982 political races.

Recently NCPAC has attempted to purchase time on Montana television and radio stations to attack U.S. Senator John Melcher who will be standing for reelection in 1982. The first two television stations approached refused to run the ads because of questionable authenticity of the material. We understand NCPAC's efforts will continue with plans to place these ads after revisions are made.

NCPAC is an Arlington, Virginia organization that conducts negative smear campaigns against U.S. Senators and Congressmen. It has a record of attacking and distorting an incumbent's voting record on any single issue with which NCPAC doesn't agree.

Senator Melcher is only one of a number of incumbents from both parties who have been targeted by NCPAC for extinction. Republicans such as Weicker, Chaffee and Stafford and Democrats like Jackson, Burdick and Proxmire are a few who have been targeted for removal from office by NCPAC.

NCPAC has already started their smear campaign against Senator Melcher and have displayed their disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating that Senator Melcher voted the opposite of his actual recorded votes. When challenged with the facts, they were forced to admit their error and have apologized.

We strongly believe that a broad-based nonpartisan committee must be formed in Montana to combat this out-of-state pressure group and its smear tactics. It is our view that groups like NCPAC are an unwarranted and unwelcome intruder in the Montana political scene.

We believe that the 1982 campaigns should be based on issues pertinent to

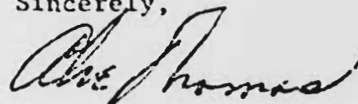
Montana such as interest rates, housing, energy development, agriculture, education and the economy, not based on false issues dictated to us by out-of-state manipulators.

The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. We are convinced that positions will be debated on Montana issues, free of the intrusive influence of NCPAC, a group that has no roots in our state, and is completely out of the mainstream of acceptable political practices.

Montanans have traditionally resented and resisted the efforts of out-of-state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

If you agree that groups like NCPAC are contrary to Montanans' interests and that a committee must be formed to promote and protect fair campaign practices in Montana, please fill in and mail the enclosed form today.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan
Fair Campaigns Committee

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDING SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee--to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

Exhibit B

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

January 20, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Founding Supporters

John McGregor, M.D.
Great Falls
H. Chet Ross, D.V.M.
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Dear Committee Members, Supporters and Contributors:

The Montana Nonpartisan Fair Campaign Committee (MNFCC) is in operation and has plans for more activities during 1982.

The purpose of the organization is to oppose unfair campaign activities--especially the actions of National Conservative Political Action Committee (NCPAC), an Arlington, Virginia organization that conducts negative campaigns against U.S. Senators and Congressmen.

For example, NCPAC has already started a smear campaign against Montana's Senior Senator and has sponsored television and radio ads in the Billings area attacking and distorting the Senator's voting record. Some television stations in the area did not accept the ads because of questionable and unreliable content. MNFCC has reports that NCPAC plans a Montana television and radio campaign starting next month.

We anticipated placing television and radio spots on Billings stations during the NCPAC fall campaign but for two reasons decided not to at that time.

The first reason was that we did not receive enough money by the time NCPAC ads were being aired to finance the spots. The second reason was that the ads were so ineffective and the organizers so badly discredited that we were convinced the money would have been wasted.

We have received contributions from 30 individuals and organizations and have developed a television and radio spot to expose the mud-slinging tactics of NCPAC should we find that exposure is required. If or when appropriate, we will use the material.

We know that although NCPAC has been less than successful in Montana to date, it will continue its spurious methods during 1982.

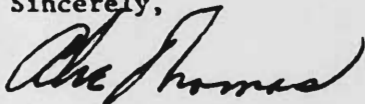
We believe Montana campaigns should be based on Montana issues, e.g., interest rates, full employment, housing, energy development, agriculture, education and the general economy. We plan to fight

Committee Members, Supporters and Contributors
January 20, 1982
Page 2

such out-of-state groups as NCPAC and any other unfair campaign groups or practices. (See enclosed story.)

We want to thank those who have contributed to the effort for fair campaigns. Enclosed is another form for contributions. We expect NCPAC will be well-funded with out-of-state money and we hope to be able to buy television and radio time and newspaper ads to counter any efforts that may fairly deserve countering.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan Fair Campaign Committee

Enc.

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDED SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee-- to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

Exhibit 'c'

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman

Bill Christiansen

Bill Huber

Tom Ryan

Ed Sheehy

Nancy C. Walter

February 18, 1982

Founding Supporters

John McGregor, M.D.,

Great Falls

H. Chet Ross, D.V.M.,

Kalispell

Michael M. Nash,

Bozeman

Tom Payne,

University of Montana

Joanne Woodgerd,

Stevensville

Dennis Wiedmann,

Carroll College

Eileen Egeland,

Helena

Mrs. Aubyn Curtiss, Chair
Montana Republican Party
1425 Helena Avenue
Helena, Montana 59601

Dear Mrs. Curtiss:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

We encourage vigorous public debate on issues pertinent to Montana and not on false issues dictated to us by out of state manipulators.

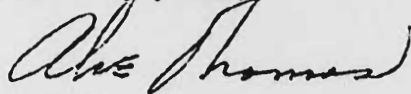
The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. Montanans have traditionally resented and resisted the efforts of out of state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

Mrs. Aubyn Curtiss
February 18, 1982
Page 2

On behalf of the Montana Nonpartisan Fair Campaign Committee, we ask you to discourage irresponsible out of state groups from operating in Montana. We urge you to ask your candidates and supporters to deny their time and money to such unethical efforts. We ask that your executive committee officially denounce all negative out of state groups as being a distortion of the Montana political process.

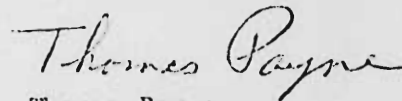
We expect to have strong and vigorous campaigns in the state in 1982 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

22040360092

Exhibit 'D'

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

February 18, 1982

Founding Supporters

John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Mr. Ron Richards, Chairman
Montana Democratic Party
P.O. Box 802
Helena, Montana 59601

Dear Mr. Richards:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

We encourage vigorous public debate on issues pertinent to Montana and not on false issues dictated to us by out of state manipulators.

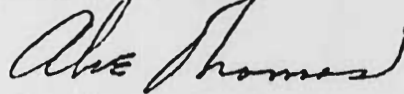
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Mr. Ron Richards
February 18, 1982
Page 2

On behalf of the Montana Nonpartisan Fair Campaign Committee, we ask you to discourage irresponsible out of state groups from operating in Montana. We urge you to ask your candidates and supporters to deny their time and money to such unethical efforts. We ask that your executive committee officially denounce all negative out of state groups as being a distortion of the Montana political process.

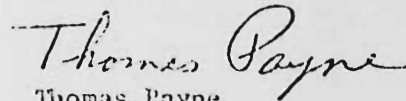
We expect to have strong and vigorous campaigns in the state in 1982 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

02040360091

Exhibit 'E'



Montana Republican State Central Committee

(406) 442-6469

1425 Helena Avenue

Helena, Montana 59601

Aubyn Curtiss
State Chairman

Walter H. Johnson
Vice Chairman

Clark Pyler
Treasurer

Shirley Warehime
Assistant Treasurer

Jean Birch
National Committeewoman

Jack Gall
National Committeeman

Dr. David Colmey
Finance Chairman

March 25, 1982

Alve Thomas
Montana Nonpartisan
Fair Campaigns Committee
Box 4146
Helena, MT. 59604

Dear Mr. Thomas,

This may help clarify our position for you:

The Montana Republican Central Committee has never been contacted by the National Conservative Political Action Committee nor has the party had any part in its activities in the state.

Sincerely,

Dennis P. Bergvall
Director of Communications

32040360092

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Montana Political Press Coverage: October 24 - 30, 1981

Introduction

Accusations are often made in Montana by political candidates and parties that the press is distorting the news or giving an unwarranted amount of coverage to their opponents.

This charge was most recently made by Congressman Ron Marlenee on October 23, 1981, before the Montana Federation of Republican Womens' Clubs, when he asserted that Democrats and environmentalists received a disproportionate amount of media coverage in Montana.

The Montana Nonpartisan Fair Campaign Committee (MNFCC) became concerned with Congressman Marlenee's contention because a key component of any political campaign is the amount of coverage a candidate, political party or interest group receives. We believe that the best way to rectify any problems of alleged bias in the press is first to study the question and if the study determines bias to publicize the findings and hope the media will correct any problems that might be present.

In order to determine if Congressman Marlenee's comments had any validity, the MNFCC conducted a study of the content of two of Montana's daily newspapers, the Great Falls Tribune and the Helena Independent Record. The study period covered a one week period from October 24 through October 30, 1981. A total of 114 stories were analyzed.

Our study reveals that neither Democrats nor environmentalists received a disproportionate amount of coverage. In fact the Republicans received a majority, 51%, of the coverage in the stories studied.

The study methodology, results and conclusions of the study follow.

Methodology

MNFCC studied the contents of the Great Falls Tribune and Helena Independent Record for the period starting October 24 through 30, 1981. The study does not purport to represent the entire media of radio, television or newspapers. However, since most of these media rely on similar wire services and capitol bureaus, we believe the results demonstrate some interesting trends which are relevant to the state's press coverage of political spokesmen.

Only news stories containing information about positions or events involving Democrats, Republicans, Libertarians, environmental groups or opponents to environmental groups were studied.

MNFCC did not include opinion page columns, features labeled news analysis, advertisements or letters to the editors. Stories involving local government were also not studied because of the difficulty is determining party affiliation when so many local offices are nonpartisan.

Each story under study had the column inches measured that were devoted to each group in the study. Since column size varies within each newspaper, a conversion factor was used to develop comparable units of measure.

Results

A total of 114 news stories were studied, 57 from the Independent Record and 52 from the Great Falls Tribune. Chart A lists the findings.

Chart A

	Column Inches <u>Great Falls Tribune</u>	Column Inches <u>Independent Record</u>	<u>Total</u>
Democrats	234.25 (42%)	202.73 (44%)	436.98 (43%)
Republicans	278.37 (50%)	232.81 (51%)	511.18 (51%)
Libertarians	7.5 (1%)	.5% (.1%)	8.0 (1%)
Environmental Groups	20.12 (4%)	9.5 (2%)	29.62 (3%)
Opponents to Env. Groups	11.25 (2%)	11.25 (2%)	22.50 (2%)
	551.49	456.79	1008.28

32040360091

Conclusions

MNFCC's study indicates that there is not decidedly disproportionate coverage being given to either Democrats or environmentalists. In fact, in both the Tribune and the Independent Record, the Republicans received the majority of the coverage among political parties.

In the study week, very little coverage was given to environmental issues. No overt bias was detected.

The study concludes that a major factor in political press coverage is incumbency. This is not a particularly new or startling revelation. Present elected officials receive the vast majority of coverage because they hold positions of political power and influence. The fact that the Libertarian Party spokesmen received such a small amount of coverage is most likely correlated to the fact that they hold no elected offices in Montana and are a relatively new party.

The Republicans and the Democrats are able to receive coverage because their candidates have been able to be elected and therefore are covered by the press. President Reagan and Republican leaders, based on our study, are very adept at getting their views across in the press. It has been noted many times that the success of the Republicans' efforts in Congress is in large part due to the President's excellent abilities as a public communicator.

This same trend is demonstrated in the large amount of coverage received by Democratic leaders such as Governor Schwinden and Senators Melcher and Baucus.

The study indicates that both papers gave did a very similar job in allocating space to political spokesmen. The Tribune devoted 50% of their space to the Republicans and 42% to the Democrats. The Independent Record gave 51% of their coverage to Republicans and 44% to the Democrats.

By in large, the study indicates the press is doing its job. MNFCC would urge all parties concerned with issues facing Montana to continue to put forth their positions in the press and contribute to the public debate. Only through this system of a free press will the voters be able to make informed opinions and exercise their rights and obligations at the polls.

Exhibit "G"

MONTANA DEMOCRATIC PARTY

March 10, 1982

Alve Thomas &
Thomas Payne
Montana Nonpartisan
Fair Campaigns Committee
P. O. Box 4146
Helena, MT 59604

Dear Alve and Tom:

The Montana Democratic Party shares your concerns about the recent activities of the National Conservative Political Action Committee (NCPAC) in Montana.

We believe such extremist groups as NCPAC do little to add to the public debate of important issues facing Montanans. NCPAC seems intent on spending thousands of dollars to try and tell Montanans what issues we should be concerned about.

The Democratic Party has actively opposed NCPAC on numerous occasions in the last year. We have spoken out in the press when NCPAC has lied or distorted Sen. Melcher's record, we have been educating our candidates and members about NCPAC's tactics and we have successfully had counter-NCPAC television ads run on six Montana stations under provisions of the Fairness Doctrine.

We strongly agree with MNFCC that Montanans deserve a rigorous debate of the issues. We have historically encouraged such debate within the Democratic Party and by our candidates during campaigns.

The Montana Democratic Party will continue to denounce the involvement of out-of-state extremist groups in Montana's political process. We will urge our members and candidates not to participate with such organizations.

Montana Democratic Central Committee • Steamboat Block, Room 303 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

Executive Board

Ron Richards Chairman	Sharon Peterson Vice Chairman	N. J. Dougherty Secretary	Ralph D. Smith Treasurer	Bob Landon Executive Secretary	James Pasma Nat'l. Committeeman	Dorothy Bradley Nat'l. Committeewoman
Phil Campbell	Jerry Hudspeth	Wilma Jodsaas	Sally Jordan	Dale M. Egan	Rick Pastorius	Bob Wilkins
Helen Christensen	Chas Jeniker	Janne Johnsrud	Helen Kerr	Bruce Nelson	Howard Toole	Bobbie Wolfe
Sen. Chet Blaylock		Rep. Dan Kemmis		Phyllis Moore		Sherril Steg

Alve Thomas & Thomas Payne
March 10, 1982
Page two

I want to make one point clear, the Montana Democratic Party does not object to its candidates or members working with political action committees that have a legitimate concern about Montana's elections and people. What we do object to are PAC's using loopholes in the election laws to run totally negative campaigns which are designed to distort the public's opinion about a candidate.

Please thank the members of MNFCC for their efforts to promote fair campaigns in Montana. Keep up the good work. If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,

RON RICHARDS
Chairman

njh

82040360097

ALVE THOMAS
1903 HIGHLAND
HELENA, MT 39501

MR CHARLES R STEELE
GENERAL COUNSEL
1325 K STREET N W
FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

PHI 6774744

82 JUN 30 P 1: 09

JUN 25 '82

U.S. POSTAGE

2.06

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

June 24, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Mr. Charles N. Steele
General Counsel
1325 K. Street, N.W.
Federal Election Commission
Washington, D.C. 20463

RE: MUR 1450

Dear Mr. Steele:

Please accept this letter, along with enclosures, as an official response to complaint charges filed by Mr. John T. Dolan, representing the National Conservative Political Committee, against The Montana Nonpartisan Fair Campaigns Committee, P.O. Box 4146, Helena, Montana 59604. Complaint will hereinafter be referred to as MUR 1450.

Respondent Montana Nonpartisan Fair Campaigns Committee sees no reason to maintain confidentiality from the public in this matter, and herein authorizes you to release any and all such information you possess regarding MUR 1450.

Respondent Montana Nonpartisan Fair Campaigns Committee shall attempt to answer each "charge" in turn, even though said "charges" have not been ordered by number or letter, or otherwise designated.

(1) Respondent Montana Nonpartisan Fair Campaigns Committee acknowledges that on or about October 13, 1981, the Montana Nonpartisan Fair Campaigns Committee filed with the Federal Election Commission a statement of Organization, FEC Form 1. Respondent further acknowledges that such "Statement of Organization" does not state that it is authorized by any candidate or affiliated with any other committee.

Respondent denies that such filing constitutes any violation under 2 U.S.C. 431, et seq. and, although later discovered that such filing was not required, believes that it demonstrated an effort to comply with any applicable regulations regarding the activities of Respondent. Respondent further affirms that there is no claim of authorization by candidate or affiliation with any other organization contained on filing form FEC Form 1, as no such authorization or affiliation exists.

Founding Supporters
John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

(2) Respondent Montana Nonpartisan Fair Campaigns Committee acknowledges that by letter dated December 26, 1981, Respondent terminated its unnecessary registration with the Federal Election Commission and received a letter from the Reports Analysis Division of the FEC, dated January 22, 1982, confirming said termination. Respondent denies that such action constitutes any violation under 2 U.S.C. 431, et seq. Respondent argues that, upon investigation, it was determined that the Montana Nonpartisan Fair Campaigns Committee was not required to file with the Federal Elections Commission, and subsequently terminated its registration.

Respondent acknowledges that it has not re-registered with the Federal Election Commission. Respondent denies that such inaction constitutes any violation under 2 U.S.C. 431, et seq. Respondent, in the affirmative, argues that the above-noted letter dated January 22, 1982, requires re-registration with the Commission "... in accordance with the Federal Election Campaign Act and applicable regulations." Said regulations require registration of committees which receive contributions or make expenditures in excess of \$1,000 during the calendar year for the purpose of influencing a federal election.

As the Montana Nonpartisan Fair Campaigns Committee performs no activities intended to influence any federal elections, nor does it advocate either support for or opposition to any candidate for federal office, it does not meet the required criteria for filing. In support of its arguments, enclosed are Exhibits "A" through "G" which constitute correspondence issued and received by the Montana Nonpartisan Fair Campaigns Committee. Said correspondence demonstrates the purpose and activities of the Montana Nonpartisan Fair Campaigns Committee, which purpose is to promote fair campaigns in Montana. They include:

Exhibit "A" - An undated letter sent to Montanans soliciting support for the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "B" - A letter dated January 20, 1982, sent to committee members, supporters and contributors soliciting support for the Montana Non Partisan Fair Campaigns Committee.

Exhibit "C" - A letter dated February 18, 1982 and sent to Mrs. Aubyn Curtiss, Chairperson of the Montana Republican Party, asking assistance in the committee's efforts to denounce negative campaigns in Montana.

Exhibit "D" - a letter dated February 18, 1982, and sent to Mr. Ron Richards, Chairman of the Montana Democratic Party, asking assistance in the Committee's efforts to denounce negative campaigns in Montana.

Exhibit "E" - A letter dated March 25, 1982, received by Mr. Alve Thomas, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Dennis P. Bergvall, Director of Communications for the Montana Republican State Central Committee, renouncing any contact or coordination of activities with the National Conservative Political Action Committee.

Exhibit "F" - A study of Montana Political Press coverage: October 24-30, 1981, conducted by the Montana Nonpartisan Fair Campaigns Committee.

Exhibit "G" - A letter dated March 10, 1982, received by Mr. Alve Thomas and Mr. Thomas Payne, Montana Nonpartisan Fair Campaigns Committee, sent from Mr. Ron Richards, Chairman of the Montana Democratic Party, renouncing the activities of the National Conservative Political Action Committee in Montana and encouraging the Montana Nonpartisan Fair Campaigns Committee to continue in its efforts to insure fair campaigns in Montana.

(3) Respondent Montana Nonpartisan Fair Campaigns Committee acknowledges existence of Complainant's Exhibit "D". Respondent, however, denies that Complainant's Exhibit "D" establishes any proof of conspiracy to organize or to cause the organization of the Montana Nonpartisan Fair Campaigns Committee. Respondent further argues that no such conspiracy can be proven as no such conspiracy exists.

Respondent argues that statements made by Mr. Alve Thomas, on behalf of the Montana Nonpartisan Fair Campaigns Committee, contained in Complainant's Exhibit "D", are accurate, and that such statements demonstrate that no conspiracy exists.

Respondent further argues that to base Complainant's charges on one newspaper story, whose only basis of information includes three "anonymous" sources who have yet to come forth and be identified, violates Respondent's rights to face, and be faced by its accusers. Respondent further believes that Complainant has failed to follow the provisions of 2 U.S.C. 437g(a)(1) which require statements (complaints) which are not based upon personal knowledge to be accompanied by an identification of the source of information which gives rise to the Complainant's belief in the truth of such statements. Respondent encourages Complainant to produce said "anonymous" sources, if possible.

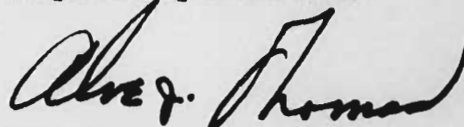
Respondent acknowledges existence of Complainant's Exhibit "E", but denies said exhibit had anything to do with the formation of the Montana Nonpartisan Fair Campaigns Committee.

Respondent argues in the affirmative that Complainant's (the National Conservative Political Action Committee) charges are false and misleading. Respondent further argues that said charges were filed on May 27, 1982, just 12 days before the Montana June Primary Election, a full 50 days following public issuance of Complainant's Exhibit "D" in the Montana press. Respondent argues that such filing was "timed" with intention to influence the Montana primary elections, and had no basis in fact. Such tactics are not uncommon to political campaigns.

Respondent finally argues that Complainant's charges in total have no basis in fact, nor can they be substantiated.

Respondent Montana Nonpartisan Fair Campaigns Committee requests that, in accordance with 2 U.S.C. 431, et seq., Complainant's charges be dismissed and that such order be made public.

Respectfully submitted,



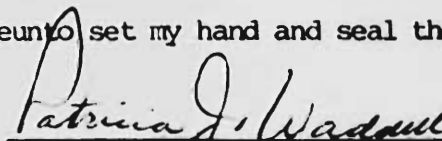
Alve Thomas, Chairman
Montana Nonpartisan Fair
Campaigns Committee

Enclosures

STATE OF MONTANA)
)ss:
County of Lewis and Clark)

On this 25th day of June, 1982, before me, the undersigned, a Notary Public for the State of Montana, personally appeared ALVE THOMAS, known to me to be the Chairman and chief spokesman for the Montana Nonpartisan Fair Campaigns Committee and acknowledged to me that he executed the above instrument on behalf of said Committee.

IN WITNESS WHEREOF I have hereunto set my hand and seal the day and year first above written.


NOTARY PUBLIC for the State of Montana
Residing at: Helena, Montana
My Commission Expires: 3-17-85

(SEAL)

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Founding Supporters

John McGregor, M.D., Great Falls
H. Chet Ross, D.V.M., Kalispell
Michael M. Nash, Bozeman
Tom Payne, University of Montana
Joanne Woodgerd, Stevensville
Dennis Wiedmann, Carroll College
Eileen Egeland, Helena

Fellow Montanan:

The National Conservative Political Action Committee (NCPAC), who has attacked incumbent Senators in many states on single issues over the last two years, has targeted Montana as a state to tell how to vote in 1982 political races.

Recently NCPAC has attempted to purchase time on Montana television and radio stations to attack U.S. Senator John Melcher who will be standing for reelection in 1982. The first two television stations approached refused to run the ads because of questionable authenticity of the material. We understand NCPAC's efforts will continue with plans to place these ads after revisions are made.

NCPAC is an Arlington, Virginia organization that conducts negative smear campaigns against U.S. Senators and Congressmen. It has a record of attacking and distorting an incumbent's voting record on any single issue with which NCPAC doesn't agree.

Senator Melcher is only one of a number of incumbents from both parties who have been targeted by NCPAC for extinction. Republicans such as Weicker, Chaffee and Stafford and Democrats like Jackson, Burdick and Proxmire are a few who have been targeted for removal from office by NCPAC.

NCPAC has already started their smear campaign against Senator Melcher and have displayed their disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating that Senator Melcher voted the opposite of his actual recorded votes. When challenged with the facts, they were forced to admit their error and have apologized.

We strongly believe that a broad-based nonpartisan committee must be formed in Montana to combat this out-of-state pressure group and its smear tactics. It is our view that groups like NCPAC are an unwarranted and unwelcome intruder in the Montana political scene.

We believe that the 1982 campaigns should be based on issues pertinent to

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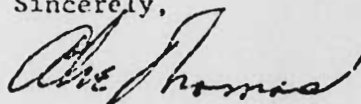
Montana such as interest rates, housing, energy development, agriculture, education and the economy, not based on false issues dictated to us by out-of-state manipulators.

The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. We are convinced that positions will be debated on Montana issues, free of the intrusive influence of NCPAC, a group that has no roots in our state, and is completely out of the mainstream of acceptable political practices.

Montanans have traditionally resented and resisted the efforts of out-of-state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

If you agree that groups like NCPAC are contrary to Montanans' interests and that a committee must be formed to promote and protect fair campaign practices in Montana, please fill in and mail the enclosed form today.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan
Fair Campaigns Committee

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDED SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee-- to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

3 2 0 4 0 3 6 0 1 0 1

Exhibit "B"

Montana Nonpartisan Fair Campaigns Committee

Alie Thomas, Chairman

Box 4146

Helena, MT 59604

January 20, 1982

Helena Steering Committee

Alie Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

Founding Supporters

John McGregor, M.D.
Great Falls
H. Chet Ross, D.V.M.
Kalispell
Michael M. Nash
Bozeman
Tom Payne
University of Montana
Jeanne Woodgerd
Stevensville
Dennis Wiedmann
Carroll College
Eileen Egeland
Helena

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The Montana Nonpartisan Fair Campaign Committee (MNFCC) is in operation and has plans for more activities during 1982.

The purpose of the organization is to oppose unfair campaign activities--especially the actions of National Conservative Political Action Committee (NCPAC), an Arlington, Virginia organization that conducts negative campaigns against U.S. Senators and Congressmen.

For example, NCPAC has already started a smear campaign against Montana's Senior Senator and has sponsored television and radio ads in the Billings area attacking and distorting the Senator's voting record. Some television stations in the area did not accept the ads because of questionable and unreliable content. MNFCC has reports that NCPAC plans a Montana television and radio campaign starting next month.

We anticipated placing television and radio spots on Billings stations during the NCPAC fall campaign but for two reasons decided not to at that time.

The first reason was that we did not receive enough money by the time NCPAC ads were being aired to finance the spots. The second reason was that the ads were so ineffective and the organizers so badly discredited that we were convinced the money would have been wasted.

We have received contributions from 30 individuals and organizations and have developed a television and radio spot to expose the mud-slinging tactics of NCPAC should we find that exposure is required. If or when appropriate, we will use the material.

We know that although NCPAC has been less than successful in Montana to date, it will continue its spurious methods during 1982.

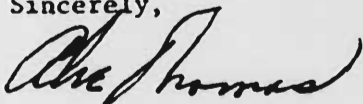
We believe Montana campaigns should be based on Montana issues, e.g., interest rates, full employment, housing, energy development, agriculture, education and the general economy. We plan to fight

Committee Members, Supporters and Contributors
January 20, 1982
Page 2

such out-of-state groups as NCPAC and any other unfair campaign groups or practices. (See enclosed story.)

We want to thank those who have contributed to the effort for fair campaigns. Enclosed is another form for contributions. We expect NCPAC will be well-funded with out-of-state money and we hope to be able to buy television and radio time and newspaper ads to counter any efforts that may fairly deserve countering.

Sincerely,



Alve Thomas, Chairman
Montana Nonpartisan Fair Campaign Committee

Enc.

(Please mail in form below)

FELLOW MONTANAN,

I too am concerned about unfair campaigning tactics by nationally based groups who seek outside political influence over Montanans. Therefore, I am joining you as a FOUNDED SUPPORTER of the Montana Nonpartisan Fair Campaigns Committee-- to mount a statewide campaign for truth and fairness in political advertising so we can preserve the longstanding tradition of fairness and independence among Montana voters.

I have enclosed a tax-deductible contribution of

_____ \$50 _____ \$30 _____ \$25 _____ \$10 _____ Other

Name _____

Address _____

City _____ State _____ Zip _____

☐ Yes, you may publicize my name as a contributor.

☐ No, you may not publicize my name as a contributor.

Please make checks payable to Montana Nonpartisan Fair Campaigns Committee and mail to MNFCC, Box 4146, Helena MT 59604

(Typed and printed by volunteer labor)

Exhibit 'c'

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

February 18, 1982

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Torn Ryan
Ed Sheehy
Nancy C. Walter

Mrs. Aubyn Curtiss, Chair
Montana Republican Party
1425 Helena Avenue
Helena, Montana 59601

Founding Supporters

John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Dear Mrs. Curtiss:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

We encourage vigorous public debate on issues pertinent to Montana and not on false issues dictated to us by out of state manipulators.

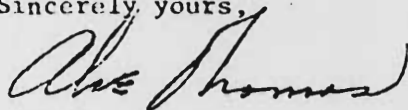
The political parties in Montana will nominate able candidates who will generate lively campaigns in all the 1982 races. Montanans have traditionally resented and resisted the efforts of out of state pressure groups to tell us whom to support, what to oppose and especially how to vote. We hope to continue in that tradition.

Mrs. Aubyn Curtiss
February 18, 1932
Page 2

On behalf of the Montana Nonpartisan Fair Campaign Committee, we ask you to discourage irresponsible out of state groups from operating in Montana. We urge you to ask your candidates and supporters to deny their time and money to such unethical efforts. We ask that your executive committee officially denounce all negative out of state groups as being a distortion of the Montana political process.

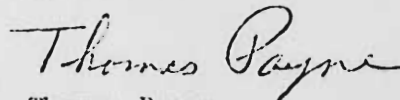
We expect to have strong and vigorous campaigns in the state in 1932 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

32040360107

Exhibit 'D'

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Helena Steering Committee

Alve Thomas, Chairman
Bill Christiansen
Bill Huber
Tom Ryan
Ed Sheehy
Nancy C. Walter

February 18, 1982

Founding Supporters

John McGregor, M.D.,
Great Falls
H. Chet Ross, D.V.M.,
Kalispell
Michael M. Nash,
Bozeman
Tom Payne,
University of Montana
Joanne Woodgerd,
Stevensville
Dennis Wiedmann,
Carroll College
Eileen Egeland,
Helena

Mr. Ron Richards, Chairman
Montana Democratic Party
P.O. Box 802
Helena, Montana 59601

Dear Mr. Richards:

The Montana Nonpartisan Fair Campaign Committee is composed of Republicans and Democrats who seek to resist unfair campaign practices in Montana. We are particularly concerned about irresponsible groups from outside the state which distort the Montana political process.

Recently the National Conservative Political Action Committee (NCPAC) has sponsored spots on Montana television stations charging Montana's Senior Senator with voting for a pay raise that was also supported by many conservatives and liberals in both parties. The attack against Senator John Melcher is another attempt at negative campaigning. In the past NCPAC has displayed its disregard for the truth by identifying two issues, abortion and the Panama Canal, indicating the Senator voted the opposite of his actual recorded votes.

If such extremist, out of state groups are allowed to proceed with impunity, we can expect more such organizations to distort our electoral process to the point that Montana elections no longer belong to Montanans.

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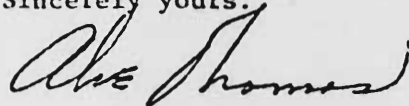
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Mr. Ron Richards
February 18, 1982
Page 2

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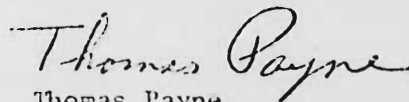
We expect to have strong and vigorous campaigns in the state in 1982 as we have had in the past. Let's keep the debates within Montana by Montana candidates, political parties and citizens.

Sincerely yours,



Alve Thomas
Helena

Sincerely yours,



Thomas Payne
Missoula

32040360111

Exhibit 'E'



Montana Republican State Central Committee

(406) 442-6469

1425 Helena Avenue

Helena, Montana 59601

Aubyn Curtiss
State Chairman

Walter H. Johnson
Vice Chairman

Clark Pyler
Treasurer

Shirley Warehime
Assistant Treasurer

Jean Birch
National Committeewoman

Jack Galt
National Committeeman

Dr. David Colmey
Finance Chairman

March 25, 1982

Alve Thomas
Montana Nonpartisan
Fair Campaigns Committee
Box 4146
Helena, MT. 59604

Dear Mr. Thomas,

This may help clarify our position for you:

The Montana Republican Central Committee has never been contacted by the National Conservative Political Action Committee nor has the party had any part in its activities in the state.

Sincerely,

Dennis P. Bergvall
Director of Communications

12040360112

Montana Nonpartisan Fair Campaigns Committee

Alve Thomas, Chairman

Box 4146

Helena, MT 59604

Montana Political Press Coverage: October 24 - 30, 1981

Introduction

Accusations are often made in Montana by political candidates and parties that the press is distorting the news or giving an unwarranted amount of coverage to their opponents.

This charge was most recently made by Congressman Ron Marlenee on October 23, 1981, before the Montana Federation of Republican Womens' Clubs, when he asserted that Democrats and environmentalists received a disproportionate amount of media coverage in Montana.

The Montana Nonpartisan Fair Campaign Committee (MNFCC) became concerned with Congressman Marlenee's contention because a key component of any political campaign is the amount of coverage a candidate, political party or interest group receives. We believe that the best way to rectify any problems of alleged bias in the press is first to study the question and if the study determines bias to publicize the findings and hope the media will correct any problems that might be present.

In order to determine if Congressman Marlenee's comments had any validity, the MNFCC conducted a study of the content of two of Montana's daily newspapers, the Great Falls Tribune and the Helena Independent Record. The study period covered a one week period from October 24 through October 30, 1981. A total of 114 stories were analyzed.

Our study reveals that neither Democrats nor environmentalists received a disproportionate amount of coverage. In fact the Republicans received a majority, 51%, of the coverage in the stories studied.

The study methodology, results and conclusions of the study follow.

32040360113

Methodology

MNFCC studied the contents of the Great Falls Tribune and Helena Independent Record for the period starting October 24 through 30, 1981. The study does not purport to represent the entire media of radio, television or newspapers. However, since most of these media rely on similar wire services and capitol bureaus, we believe the results demonstrate some interesting trends which are relevant to the state's press coverage of political spokesmen.

Only news stories containing information about positions or events involving Democrats, Republicans, Libertarians, environmental groups or opponents to environmental groups were studied.

MNFCC did not include opinion page columns, features labeled news analysis, advertisements or letters to the editors. Stories involving local government were also not studied because of the difficulty is determining party affiliation when so many local offices are nonpartisan.

Each story under study had the column inches measured that were devoted to each group in the study. Since column size varies within each newspaper, a conversion factor was used to develop comparable units of measure.

Results

A total of 114 news stories were studied, 57 from the Independent Record and 52 from the Great Falls Tribune. Chart A lists the findings.

Chart A

	Column Inches <u>Great Falls Tribune</u>	Column Inches <u>Independent Record</u>	<u>Total</u>
Democrats	234.25 (42%)	202.73 (44%)	436.98 (43%)
Republicans	278.37 (50%)	232.81 (51%)	511.18 (51%)
Libertarians	7.5 (1%)	.5% (.1%)	8.0 (1%)
Environmental Groups	20.12 (4%)	9.5 (2%)	29.62 (3%)
Opponents to Env. Groups	11.25 (2%)	11.25 (2%)	22.50 (2%)
	551.49	456.79	1008.28

32040360114

Conclusions

MNFCC's study indicates that there is not decidedly disproportionate coverage being given to either Democrats or environmentalists. In fact, in both the Tribune and the Independent Record, the Republicans received the majority of the coverage among political parties.

In the study week, very little coverage was given to environmental issues. No overt bias was detected.

The study concludes that a major factor in political press coverage is incumbency. This is not a particularly new or startling revelation. Present elected officials receive the vast majority of coverage because they hold positions of political power and influence. The fact that the Libertarian Party spokesmen received such a small amount of coverage is most likely correlated to the fact that they hold no elected offices in Montana and are a relatively new party.

The Republicans and the Democrats are able to receive coverage because their candidates have been able to be elected and therefore are covered by the press. President Reagan and Republican leaders, based on our study, are very adept at getting their views across in the press. It has been noted many times that the success of the Republicans' efforts in Congress is in large part due to the President's excellent abilities as a public communicator.

This same trend is demonstrated in the large amount of coverage received by Democratic leaders such as Governor Schwinden and Senators Melcher and Baucus.

The study indicates that both papers gave did a very similar job in allocating space to political spokesmen. The Tribune devoted 50% of their space to the Republicans and 42% to the Democrats. The Independent Record gave 51% of their coverage to Republicans and 44% to the Democrats.

By in large, the study indicates the press is doing its job. MNFCC would urge all parties concerned with issues facing Montana to continue to put forth their positions in the press and contribute to the public debate. Only through this system of a free press will the voters be able to make informed opinions and exercise their rights and obligations at the polls.

MONTANA DEMOCRATIC PARTY

March 10, 1982

Alve Thomas &
Thomas Payne
Montana Nonpartisan
Fair Campaigns Committee
P. O. Box 4146
Helena, MT 59604

Dear Alve and Tom:

The Montana Democratic Party shares your concerns about the recent activities of the National Conservative Political Action Committee (NCPAC) in Montana.

We believe such extremist groups as NCPAC do little to add to the public debate of important issues facing Montanans. NCPAC seems intent on spending thousands of dollars to try and tell Montanans what issues we should be concerned about.

The Democratic Party has actively opposed NCPAC on numerous occasions in the last year. We have spoken out in the press when NCPAC has lied or distorted Sen. Melcher's record, we have been educating our candidates and members about NCPAC's tactics and we have successfully had counter-NCPAC television ads run on six Montana stations under provisions of the Fairness Doctrine.

We strongly agree with MNFCC that Montanans deserve a rigorous debate of the issues. We have historically encouraged such debate within the Democratic Party and by our candidates during campaigns.

The Montana Democratic Party will continue to denounce the involvement of out-of-state extremist groups in Montana's political process. We will urge our members and candidates not to participate with such organizations.

Montana Democratic Central Committee • Steamboat Block, Room 303 • P.O. Box 802 • Helena, MT 59624 • (406) 442-9520

Executive Board

Ron Richards Chairman	Sharon Peterson Vice Chairman	N. J. Dougherty Secretary	Ralph Dixon Treasurer	Joe Lamson Executive Secretary	James Pasma Natl. Committeeman	Dorothy Bradley Natl. Committeewoman
Phil Campbell	Jerry Hudspeth	Wilma Jodsaas	Sally Jordan	Don McKee	Rich Pavlounis	Bob Wilkins
Helen Christensen	Chas Jeniker	Junne Johnsrud	Helen Kerr	Bruce Nelson	Howard Toole	Bobbie Wolfe
Sen. Chet Blaylock		Rep. Dan Kemmis		Philis Moore		Sherri Stieg

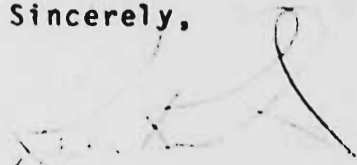


Alve Thomas & Thomas Payne
March 10, 1982
Page two

I want to make one point clear, the Montana Democratic Party does not object to its candidates or members working with political action committees that have a legitimate concern about Montana's elections and people. What we do object to are PAC's using loopholes in the election laws to run totally negative campaigns which are designed to distort the public's opinion about a candidate.

Please thank the members of MNFCC for their efforts to promote fair campaigns in Montana. Keep up the good work. If we can be of any further assistance, please do not hesitate to contact me.

Sincerely,



RON RICHARDS
Chairman

njh

32040360117

3204036011-8
MNFCC
Box 4146
Helena, Mont. 59606

MR CHARLES N STEELE
GENERAL COUNSEL
1325 K STREET N W
FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

PII 6774743



RECEIVED
82 JUN 30 P 1:10

HAND DELIVERED

20908

GCC#8017

PERKINS, COIE, STONE, OLSEN & WILLIAMS 82 JUN 29 12:27

ANCHORAGE OFFICE
420 "L" STREET
SUITE 301
ANCHORAGE, ALASKA 99501
TELEPHONE: 907-279-8581
TELECOPIER: 907-278-3108

1110 VERMONT AVENUE, N.W.
WASHINGTON, D.C. 20005
TELEPHONE: 202-887-9030

SEATTLE OFFICE
1900 WASHINGTON BUILDING
SEATTLE, WASHINGTON 98101
TELEPHONE: 206-682-8770
TELECOPIER: 206-682-8784
CABLE "PERKINS SEATTLE"
DOM TELE: 32-0319
INT'L TELE: 471123

PLEASE REPLY TO WASHINGTON, D.C. OFFICE

June 24, 1982

HAND DELIVERED

Office of the General Counsel
Attn: Steve Mims
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1450

Dear Sir:

This letter is to notify you that the undersigned counsel has been designated as counsel for Senator John Melcher, the Melcher for Senate Committee, and Mr. Evan Barrett (hereinafter "Respondent Melcher, et al.") in the Matter Under Review No. 1450. Statements of Designation of Counsel from Senator Melcher, his committee and Mr. Barrett will be forwarded to you in the near future.

It is respondent's position that in accordance with the requirements of § 111.4(d) of the Federal Election Commission Regulations, the complaint filed in this matter should be promptly dismissed for failure to provide adequate information upon which the Commission could appropriately act. The entire complaint hinges on one newspaper article, which, in turn, relies exclusively on anonymous sources to establish that respondents were involved in the formation of a purportedly Non Partisan Fair Campaign Committee in Montana.* All of the respondents, on the record, have denied this allegation. Respondents Melcher, et al., in particular, have unequivocally rejected the allegations made by anonymous sources in this

*Complainant also submits a document allegedly produced by the Democratic Congressional Campaign Committee counseling candidates to establish "nonpartisan" committees to assist in countering negative campaign advertising. This document adds nothing; neither the article in question nor the complaint establishes that Respondent Melcher, et al. or any respondent possessed, read, knew of, or acted upon the recommendations contained in this document.

article. Thus, the complainant in this matter has submitted a newspaper article which offers nothing in the way of concrete information upon which the Commission could proceed. Instead, in the face of the specific denials made by all respondents on the public record, there is offered only "sources" who "asked not to be identified," "asked for anonymity," or "wouldn't allow his name to be used"

It is clear from § 111.4(d) of the FEC Regulations that complaintant's allegations "not based upon personal knowledge" must "be accompanied by an identification of the source of information which gives rise to the complainant's belief in the truth of such statements." This is a significant requirement which spares the FEC a waste of resources, and the respondents a frivolous and unfounded complaint, by mandating that a complaint contain a reasonable threshold of evidence before the FEC can take further action to process it. Thus, the FEC's Explanation and Justification for § 111.4(d) states clearly that:

Subsection (d) sets forth additional requirements which should be complied with in order to provide the Commission with sufficient information to address a complaint fully. The Commission may find that a complaint which does not comply with subsection (d) provides insufficient information, and for that reason, may vote to take no action on a complaint.

This complaint, therefore, is no different, in effect, than an anonymous complaint which would be patently unacceptable under the law. Surely anonymous allegations cannot be transformed into weightier testimony by interposing a notarized complaint--a complaint which rests nonetheless on anonymous information only. If the FEC finds this complaint actionable, even at this preliminary stage, it is setting a precedent which would be the source of no end of mischief to candidates, committees and others subject to the requirements of the FECA and to the enforcement authority of the Commission.

Accordingly, Respondents Melcher, et al. request immediate rejection of this complaint.

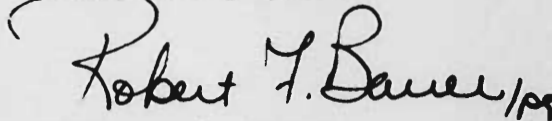
In the event that the FEC determines to proceed, nonetheless, Respondents Melcher, et al. request an extension of thirty (30) days in order to respond to the complaint. Due to

Federal Election Commission
June 24, 1982
Page Three

delay in transmission of the complaint to counsel, and to the difficulties in coordinating materials and personnel between Washington, D.C. and Montana, we will be unable to complete a response within the initial fifteen (15) days provided by statute.

We appreciate your consideration in this matter. If you have any questions or need additional information, please do not hesitate to contact the undersigned counsel.

Very truly yours,

A handwritten signature in cursive script, reading "Robert F. Bauer", followed by a small "ps" or similar mark.

Robert F. Bauer
Counsel to
Respondents Melcher, et al.

RFB:peg

12040360121



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John T. Dolan, Chairman
National Conservative PAC
1500 Wilson Blvd., Suite 513
Arlington, VA 22209

Dear Mr. Dolan:

This letter is to acknowledge receipt of your complaint of May 27, 1982, against Senator John Melcher, Evan Barrett, Melcher For Senate, Montana Non Partisan Fair Campaign Committee, and Alve Thomas which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents 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 respondent's 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,

A handwritten signature in cursive script, reading "Phyllis A. Kayson", is written above the typed name.

Phyllis A. Kayson
Docket Chief

Enclosure

32040360122

32040360123

49/62

Form 3811, Jan. 1978

2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one.)
☐ Show to whom and date delivered.
☐ Show to whom, date and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
John T. Odon
NCPAC

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
083540

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [Address] [Authenticated agent]

4. Terry Feagan
DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

7:64 11NOC70
UNABLE TO DELIVER BECAUSE:

★ GPO : 1978-000-000



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Melcher For Senate
Box 31794
Billings, MT 59107

Re: MUR 1450

Dear Sir:

This letter is to notify you that on June 7, 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 1450. 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.

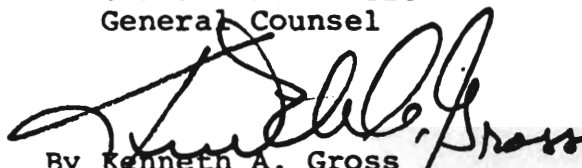
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

32040360124

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202)-523-4060. 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
- Designation of Counsel Statement

cc: Honorable John Melcher

120400360125

HSD 29

1. The following information is being furnished to you:

☐ Show to whom the complaint was referred.

☐ Show to whom the complaint was referred.

☐ Show to whom the complaint was referred.

☐ Show to whom the complaint was referred.

☐ Show to whom the complaint was referred.

☐ Show to whom the complaint was referred.

(Always obtain signature of person or agent)

2. ARTICLE OF DESIGNATION

Melcher for Melcher

5/1/82

3. ARTICLE OF DESIGNATION

443886

(Always obtain signature of person or agent)

I have received the article described above.

SIGNATURE: 

DATE OF DELIVERY: 

4. ADDRESS Complaint only if required.

5. UNABLE TO DELIVER REASON:

mims

BILLINGS COUNTY MONTANA

1882



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Evan Barrett
27 West Park Street
Butte, MT 59710

Re: MUR 1450

Dear Mr. Barrett:

This letter is to notify you that on June 7, 1982 the Federal Election Commission received a complaint which alleges that you 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 1450. Please refer to this number in all future correspondence.

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Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statement 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.

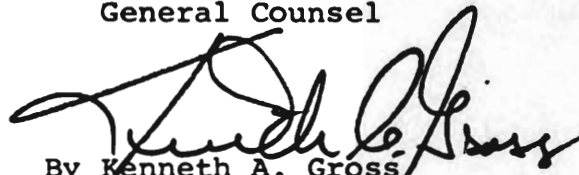
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92040350125

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Sincerely,

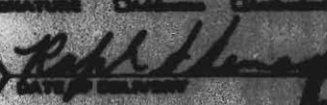
Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

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

1950 36/9

1. The following copies are required (check one): ☐ Show to whom and how delivered ☐ Show to whom, date and address of delivery ☐ Registered mail only Show to whom and date delivered ☐ Registered mail only Show to whom, date, and address of delivery		
(CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Evan Bennett Butte MT		
REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	943888	
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE:  DATE OF DELIVERY: _____		
3. ADDRESS COMPLETELY (check one): ☐ ADDRESS COMPLETELY ☐ ADDRESS INCOMPLETE		
4. UNABLE TO DELIVER REASON:		CLERK'S INITIALS:

mims

U.S. POSTAGE JUN 14 1982



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable John Melcher
United States Senate
Washington, D.C. 20510

Re: MUR 1450

Dear Senator Melcher:

This letter is to notify you that on June 7, 1982 the Federal Election Commission received a complaint which alleges that you 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 1450. Please refer to this number in all future correspondence.

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

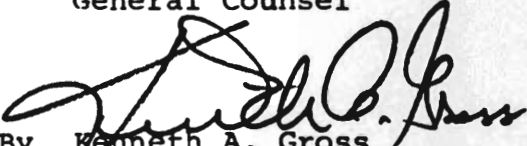
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

32040360128

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202)-523-4060. 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

12040360129

NSD

1. The following information is required:

☐ Name of complainant

☐ Name of respondent

☐ Name of complainant's attorney

☐ Name of respondent's attorney

☐ Name of complainant's agent

☐ Name of respondent's agent

2. Signature of complainant

Hon. John Melder

Washington, D.C. 20510

3. Signature of respondent

6/25/82

(Always attach signature of complainant or agent)

I have received the above described items.

SIGNATURE: K. Heiser

DATE OF DELIVERY

4. ADDRESS (Complainant only)

5. UNABLE TO DELIVER MESSAGE

6. OTHER COMMENTS

1982
14
J

MIMS



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Alve Thomas
1703 Highland
Helena, MT 59604

Re: MUR 1450

Dear Mr. Thomas:

This letter is to notify you that on June 7, 1982 the Federal Election Commission received a complaint which alleges that you 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 1450. Please refer to this number in all future correspondence.

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

32040360130

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202)-523-4060. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Signature]
By Kenneth A. Gross
Associate General Counsel

Enclosures

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

12040360131

1450 1/9

1. The following article is requested (check one):
☐ Show to whom and date delivered
☐ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
Show to whom and date delivered
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery 2

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE REQUESTED TO:
Alvin Thomas
Helena, MT

3. ARTICLE CHARGES:
REGISTERED MAIL: 0.35 EHD
INSURED MAIL: _____
(Always obtain signature of addressee or agent)

I have marked the article described above.
SIGNATURE: *[Signature]*
DATE OF DELIVERY: _____

4. ADDRESS (Complete only if required)

5. UNABLE TO DELIVER REASON: _____

6. CARRIER: _____

7. RETURNED: _____

8. MIMS

9. 1-800-523-4060



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 9, 1982

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Montana Non Partisan Fair
Campaign Committee
P.O. Box 4146
Helena, MT 59604

Re: MUR 1450

Dear Sir:

This letter is to notify you that on June 7, 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 1450. 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.

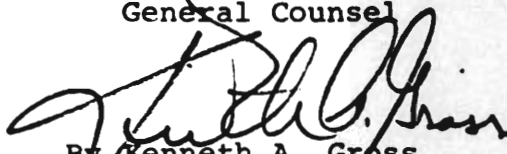
If you intend to be represented by counsel in this matter, please advise the Commission by sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

32740360132

If you have any questions, please contact Stephen Mims, the staff member assigned to this matter at (202)-523-4060. 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

3 2 7 4 0 3 6 0 1 3 3

100

1. The following information is required (check one):
☐ Ship to whom the goods are ordered.
☐ Ship to whom the goods are ordered, but not the address of delivery.
☐ Ship to whom the goods are ordered, but not the address of delivery, and not the address of delivery.
☐ Ship to whom the goods are ordered, but not the address of delivery, and not the address of delivery.
☐ Ship to whom the goods are ordered, but not the address of delivery, and not the address of delivery.

2. Address of delivery:
Monte Carlo Portion Fair
Commission Center

3. Address of delivery:
943887

4. I have examined the goods described above.
SIGNATURE: [Signature]
DATE OF DELIVERY: [Date]
5. ADDRESS (optional only)
6. UNABLE TO DELIVER REASON
7. CARRIER'S INITIALS

U.S. POSTAL SERVICE
JUN 18 1982
USPS

201679
**National Conservative
Political Action Committee**

6004 7894

JUN 7 1982 4:03

1500 wilson blvd. suite 513 arlington, va. 22209 (703) 522-2800

May 27, 1982

2 JUN 7 11:04

General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Sir:

This letter constitutes a complaint filed by National Conservative Political Action Committee, 1500 Wilson Boulevard, Arlington, Virginia 22209, pursuant to the provisions of 2 U.S.C. 437g (a)(1), in the belief that the following named respondents:

Senator John Melcher
United States Senate
Washington, D.C. 20510

Mr. Evan Barrett
27 W. Park Street
Butte, Montana 59701

Melcher for Senate
Box 31794
Billings, Montana 59107

Montana Non Partisan Fair
Campaign Committee
P. O. Box 4146
Helena, Montana 59604

Mr. Alve Thomas
1703 Highland
Helena, Montana 59604

have violated, or have conspired to violate, certain provisions of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. 431, et seq.

1301004003601

General Counsel
May 27, 1982
Page Two

On or about October 13, 1981, there was filed with the Federal Election Commission the Statement of Organization, FEC Form 1, of Montana Non Partisan Fair Campaign Committee (hereinafter "the Committee"), P. O. Box 4146, Helena, Montana 59604, a copy of which is attached as Exhibit A. The Statement of Organization of the Committee lists Alve Thomas, 1703 Highland, Helena, Montana 59604, as its Chairman; and, Lillian Kirkpatrick, P. O. Box 1085, (no city or state reported), as its Treasurer. The Statement of Organization does not state that it is authorized by any candidate or affiliated with any other committee.

By letter dated December 26, 1981, Mr. Thomas advised the Federal Election Commission that it was terminating its registration. A copy of that letter is attached as Exhibit B. By letter dated January 22, 1982, the Reports Analysis Division of the Federal Election Commission acknowledged termination of the Committee's status under 2 U.S.C. 433(d), but advised that the Committee should re-register if it were to become active in federal elections. A copy of that letter is attached as Exhibit C. Upon information and belief, the Committee has not re-registered with the Commission.

Attached as Exhibit D is a copy of an article, which appeared on pages 1-A and 2-A of the April 19, 1982 edition of the Great Falls Tribune, published by the Great Falls Tribune Company, Box 2468, Great Falls, Montana 59403, reporting that it had been learned that Senator Melcher and Mr. Evan Barrett were instrumental in having the Committee formed. Mr. Barrett is described in the article as "a key Melcher staff member who is now working on the senator's re-election campaign." [Mr. Barrett is listed in the 1981 Congressional Staff Directory as a Field Representative on Senator Melcher's staff in Butte, Montana.] The article also states:

"Formation of the committee follows the recommendation of a memo circulated by the U.S. House Democratic Congressional Committee on how to combat NCPAC."

Furthermore, the article reports that Mr. Thomas said the Committee had been formed to counter the activities of the National Conservative Political Action Committee in making independent expenditures in opposition to the nomination and election of Senator Melcher and the Committee "had received donations from 40 people totaling several thousand dollars."

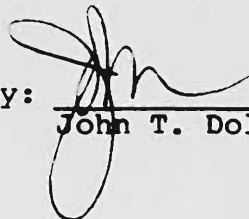
General Counsel
May 27, 1982
Page Three

Attached as Exhibit E is a copy of a memorandum, dated July 24, 1981, captioned "Democratic Congressional Campaign Committee - How to Fight a NCPAC Attack", which suggests that a candidate, who is being attacked by NCPAC, should create an "independent" committee, having a "bipartisan and innocuous name" to rebut NCPAC attacks.

Based upon the foregoing, it appears that Messrs. Melcher, Barrett and Thomas conspired to organize, or cause the organization of, the Committee and that, as a result, the Committee is affiliated with Melcher for Senate, Senator Melcher's principal campaign committee. 2 U.S.C. 441a (a)(5). As such, the Committee and Melcher for Senate should be found to be in violation of the provisions of 2 U.S.C. 433 (b)(2) and the Committee should be found to be in violation of the provisions of 2 U.S.C. 433 (a) and 2 U.S.C. 434 (a)(1).

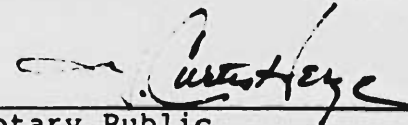
Sincerely yours,

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE

By: 
John T. Dolan, Chairman

STATE OF VIRGINIA)
COUNTY OF ARLINGTON) ss:

Sworn to before me, a notary public, this 27th day
of May, 1982.


Notary Public

My Commission expires: May 15, 1984.

Attachments

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) MONTANA NON PARTISAN FAIR CAMPAIGN COMMITTEE	☐ Check if name or address is changed.	2. Date OCTOBER 7, 1981
(b) Address (Number and Street) P. O. Box 4146	3. FEC Identification Number	
(c) City, State and ZIP Code HELENA, MONTANA 59604	4. Is this an amended Statement? ☐ YES ☒ NO	

5. TYPE OF COMMITTEE (check one):

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- | | | | |
|-------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|-------------------|-----------------------------|---------------|----------------|
- ☐ (c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)
- ☐ (d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☒ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
NONE		

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position, the person in possession of committee books and records.

Full Name ALVE THOMAS	Mailing Address and ZIP Code 1703 Highland Helena, Mt 59604	Title or Position Chairman
---------------------------------	---	--------------------------------------

8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee, and the name and address of any designated agent (e.g., assistant treasurer).

Full Name Lillian Kirkpatrick	Mailing Address and ZIP Code P. O. Box 1085	Title or Position Treasurer
---	---	---------------------------------------

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc. FIRST SECURITY BANK	Mailing Address and ZIP Code HELENA, MONTANA 59601
--	--

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Lillian Kirkpatrick
Type or Print Name of Treasurer

Lillian Kirkpatrick
SIGNATURE OF TREASURER

10/8/81
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

For further information contact:

Federal Election Commission, Toll Free 800-424-9530, Local 202-623-4068

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FEC FORM 1 (3/80)

FCEC

Alvin Thomas, Chairman

59004

Dec 26, 1981

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9
Federal Election Committee
1325 K Street N.W.
Washington D.C. 20463

8
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Dear Sir:

In September of 1981 we wrote concerning the necessity of our Committee registering with the Federal Election Commission. you indicated we probably should and issued us number 5771 00 — 811118. or C-00145771

We have been advised by legal counsel that it is not necessary for us to register as we are not advocating the election of any person nor are we supporting any specific cause.

We are an educational organization

that is promoting fair campaign practices.

We are non-partisan, non-affiliated,
and ^{not} promoting nor opposing any candidate or
issue.

We do not believe we have to register
with the Federal Election Commission. The Mont-
ana state Election Commission agree that we
do not have to register.

Thank you for your consideration.

Sincerely,

Alfred J. Thomas
Chairman

81032120151
32040350130



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

January 22, 1982

Lillian Kirkpatrick, Treasurer
Montana Non Partisan Fair
Campaign Committee
P.O. Box 4146
Helena, MT 59604

Identification No: C00145771

Reference: Termination Letter

Dear Ms. Kirkpatrick:

Your committee's filing has been accepted as a valid termination because it meets the conditions set forth in 2 U.S.C. 433(d) and Section 102.3 of the Commission's Regulations. Your committee is no longer required to file reports on a periodic basis. However, 2 U.S.C. 432(d) and Sections 102.9(c) and 104.14(b)(3) of the Commission's Regulations require that you maintain your records and copies of reports for inspection for at least three (3) years. In addition, you may be required to respond to Commission requests for information regarding your committee's federal election activity and previously filed reports.

If your committee again becomes active in federal elections, it will be required to re-register with the Commission in accordance with the Federal Election Campaign Act and applicable Regulations. Your committee will be treated as a new entity by the Commission and should register as a new committee on FEC Form 1, pursuant to 2 U.S.C. 432(q) and 433(a).

Political committees and separate segregated funds which once attained multicandidate committee status and subsequently terminated will, upon re-registration, again be required to meet the criteria set forth in 2 U.S.C. 441a(a)(4).

Lillian Kirkpatrick
Montana Non Partisan Fair
Campaign Committee

2

If you have any questions concerning your status and requirements,
please contact the Reports Analysis Division on the toll-free number,
(800) 424-9530. Our local number is (202) 357-0026.

Sincerely,

Mark Kleinman

Mark Kleinman
Reports Analyst
Reports Analysis Division

01032152144

32240360141

Great Falls

TRIBUNE

No. 341—96th Year

Great Falls, Montana, Monday, April 19, 1982

Melcher linked to formation of anti-NCPAC group

By CHARLES S. JOHNSON
Tribune Capital Bureau

HELENA — U.S. Sen. John Melcher and some of his supporters were instrumental behind the scenes in having a supposedly nonpartisan committee formed last fall to promote fair campaigns, the Tribune has learned.

The Montana Nonpartisan Fair Campaigns Committee, headed by Alve Thomas, a retired Helena education official, was formed last year.

ALTHOUGH INTENDED to convey the impression of nonpartisanship, the committee in fact was created at the urging of the Melcher organization to attack the National Conservative Political Action Committee, according to a well-informed source who asked not to be identified.

NCPAC has run advertisements critical of Melcher, a Democrat seeking re-election this year.

In response, the Nonpartisan Fair Campaign Committee has issued several press releases condemning NCPAC.

"John Melcher was directly involved in the formation of the committee," the source said.

Melcher personally discussed the formation of the committee with Thomas, who then lined up some prominent Montanans to serve on it, the source said.

MELCHER AND THOMAS vehemently deny that the senator and his staff had anything to do with the formation of the Montana Nonpartisan Fair Campaigns Committee.

Also denying any involvement was another person said to have participated, Evan Barrett, a key Melcher staff member who is now working on the senator's re-election campaign.

Thomas refused to allow the Tribune to inspect the list of persons

contributing to the committee, which he said has raised several thousand dollars.

During a telephone interview last week, Thomas originally said the Tribune was welcome to inspect the committee's books. But after a reporter began asking about the committee's possible ties with Melcher, Thomas changed his mind and said he didn't want to open the books to the Tribune after all.

The committee apparently doesn't have to file reports with federal and state election officials showing its contributors and expenses because it claims not to be supporting any specific candidates.

BUT IF Melcher and his staff were involved in the formation of the committee, it would lose its status as an independent committee and would have to file campaign finance reports because it is working for the election of a candidate.



Formation of the committee follows the recommendation of a memo circulated by the U.S. House Democratic Congressional Committee on how to combat NCPAC.

That memo, which the Lee Newspapers State Bureau obtained and wrote about in January, urged candidates to put together a leading group of citizens to publicly attack the kind of negative advertising that

NCPAC used effectively in 1980.

"The group has inherent credibility because of the stature of those involved and can take much of the pressure off the candidate," the memo said.

The role of the Melcher organization in creating the committee was confirmed by another source who asked for anonymity.

A third source who wouldn't allow his name to be used said he was suspicious about the independence of the committee and telephoned Thomas Dec. 15.

THIS SOURCE said he made up a name — Rex Brandt of Kalispell — and told Thomas how upset he was at NCPAC for running unfair ads aimed at Melcher. The source said he told Thomas he wanted to donate money to the committee so it could run ads critical of NCPAC.

Reading from his notes of the See COMMITTEE, 2-A

phone conversation, the source said Thomas told him: "One thing he (Melcher) wants us to be very clear of is that we don't want to indicate that we are any kind of extension of his campaign because that would jeopardize contributions to his campaign."

Thomas denied making such a statement.

The Montana Nonpartisan Fair Campaigns Committee first surfaced Oct. 2 when Thomas delivered a press release to news organizations announcing its formation.

The press release said the group hoped to raise \$10,000 to promote fair campaigning methods in Montana congressional races.

It said the group formed to oppose targeting "and other high-pressure political tactics by such out-of-state organizations" as the Virginia-based NCPAC.

Thomas quoted press reports saying NCPAC was spending \$17,000 for anti-Melcher television ads and planned to spend \$100,000 on a later advertising campaign.

"We're asking Montanans to contribute without regard to political party or affiliations," Thomas said in the release. "Our group is independent and we want to keep it that way."

THOMAS PREVIOUSLY worked as a deputy superintendent of public instruction for Democrats Georgia Ruth Rice, Dolores Colburg and Harriet Miller. But he pointed out last fall that Miller was a Republican when she hired him.

Thomas' daughter Julie is on the staff of the Democratic State Central Committee.

The letterhead of the Montana Nonpartisan Fair Campaigns Committee lists a Helena steering committee and the group's founding supporters. Most have been active Democrats.

Besides Thomas, the Helena steering committee consists of for-

mer Lt. Gov. Bill Christiansen; Bill Huber, a Carroll College official; Tom Ryan, an officer of the Montana Senior Citizens Association; Ed Sheehy, who heads a group of retired federal employees; and Nancy Walter, an official of the Montana Education Association.

The founding supporters are: Dr. John McGregor, Great Falls; Dr. Chet Ross, Kalispell; Michael Nash, Bozeman; Tom Payne, Missoula; Joanne Woodgerd, Stevensville; Dennis Wiedmann, Helena; and Eileen Egeland, Helena.

Payne, a UM political scientist, is the only prominent Republican on the list.

"I JUST SORT of lent my name to it as it were," Payne said, adding that he has assumed the committee was nonpartisan but has not been active in it.

He said he was willing to sign up because he didn't like NCPAC's approach and favors fair campaigns.

Payne said he would find it "distressing" if money from the Melcher campaign or Democratic Party had been used to finance the committee. If that were the case, Payne said he would withdraw from the committee.

Other members contacted said they knew of no connections with the Melcher campaign. They said they agreed to participate because they didn't like NCPAC and its tactics.

One source said the others on the steering committee had no idea of Melcher's alleged role in helping form the group.

Thomas recruited most of the steering committee members.

He said it was his idea to form the committee to combat NCPAC and similar campaigning in Montana. Thomas said he decided to do something because he had been in Idaho when NCPAC led a negative advertising campaign against Sen. Frank Church, who was defeated for re-election in 1980.

"I'VE NEVER talked to Melcher or his staff about it," he said. "Ours is a spontaneous type of thing."

Melcher and his staff have never attended any of the committee's meetings, Thomas said.

The group hasn't met since NCPAC quit running its anti-

Melcher advertising earlier this year, he said.

Thomas said he has never contributed to Melcher's campaigns and is not a friend of the senator's.

On Friday, Melcher denied any involvement in the committee's formation, and so did his aide Barrett.

"I know Alve, but I know nothing of the group that they formed," Melcher said. "I have had nothing to do with them."

"Candidly, I wasn't aware there was a group" until the Lee Newspapers reported in January about the Montana Nonpartisan Fair Campaigns Committee, Melcher said.

In that story, the Lee Bureau said the committee appeared "to be dedicated to at least some of the functions described in the memo" from the Democratic Congressional Campaign Committee.

The Montana Nonpartisan Fair Campaigns Committee has not been particularly active.

THOMAS SAID it originally wanted to run ads to counter the NCPAC anti-Melcher advertising but decided against it because NCPAC "has been so badly discredited in this state."

It issued several press releases, one announcing its formation and another with letters asking state Republican and Democratic chairmen

to discourage "irresponsible out-of-state groups from operating in Montana."

The letters cited NCPAC as an example and said, "We ask that your executive committee officially denounce all negative out-of-state groups as being a distortion of the Montana political process."

The committee also conducted a study examining fairness of press coverage after Rep. Ron Marlenee, R-Mont., charged that Democrats and environmentalists received a disproportionate share of press coverage in Montana.

The Montana Nonpartisan Fair Campaigns Committee examined coverage in the Tribune and Helena Independent Record for a week in October and concluded that they provided balanced coverage of political and environmental news.

Thomas said the committee had received donations from 40 people totaling several thousand dollars.

In the interview with the Tribune, he said he changed his mind about making the donors public because the people gave money without knowing that their names would be publicized.

Thomas said it wouldn't be fair to release the names unless he sought and obtained clearance from each person. He said he donated several hundred dollars of his own money to the committee.

MEMO

SUBJECT: Democratic Congressional Campaign Committee

TOPIC: How to Fight a NCPAC Attack

SPEAKER: Ed Quick, A.A. to Senator Eagleton

DATE: July 24, 1981

INTRODUCTION

- (1) NCPAC is vulnerable:
 - (a) their areas of attack are predictable.
 - (b) their rhetoric is often reckless.
 - (c) they are subject to the charge of being meddlesome outsiders interfering in a local (district) election.
- (2) Five steps to defeat NCPAC:
 - (a) undermine NCPAC's credibility.
 - (b) anticipate NCPAC's attacks.
 - (c) avoid diversions and becoming politically paralyzed.
 - (d) keep NCPAC off the air.
 - (e) make NCPAC's presence in the campaign a campaign issue.
- (3) After being targeted by NCPAC, do not panic.

I. UNDERMINE NCPAC'S CREDIBILITY

- A. After being targeted by NCPAC:
 1. forewarn constituents that you have been targeted and that an extreme right wing and scurrilous attack is coming.
 2. STRESS the following:
 - a. NCPAC is a foreign (Arlington, VA -- Washington DC) organization that is supplying large amounts of money and consultants to impose its views and is attempting to interject its special interests into a local (district) election.
 - b. NCPAC has a record of gross distortions, outright fabrications, inaccuracies, and oversimplifications.
 - c. NCPAC's obsession with politics of negativism.
 - d. NCPAC's extremist philosophies
 3. Alert all media contacts and stress to them that NCPAC is not a credible source of information.

II. ANTICIPATE NCPAC'S ATTACKS

- A. Know your own record and the areas in which you are subject to a NCPAC attack.
 1. NCPAC's campaign themes are repeated and almost identical in every campaign.
 2. Pre-empt and neutralize NCPAC by stressing those issues and

your positions before NCPAC launches its attack.

III. AVOID DIVERSIONS AND BEING PARALYZED POLITICALLY

- A. Create an independent (and if possible, bipartisan with other moderates) "watch-dog" committee to investigate and rebut gross distortions, excesses, and inaccuracies in the campaign.
 - 1. Promote the committee as a fair and impartial means of keeping the campaign on a high level and as a way of avoiding smear-tactics and innuendos.
 - 2. Have a bipartisan and innocuous name (e.g. "Missourians for Honest Elections").
 - 3. Selection and control of the chairman of the committee is crucial.
- B. Rebuttal to NCPAC's attacks should come from the committee and not the candidate.
- C. The candidate should not respond in any manner to NCPAC's attacks. Avoid all direct confrontations with NCPAC.
 - 1. Response gives NCPAC credibility.
 - 2. Response gives NCPAC added publicity.
 - 3. Response paralyzes candidate as it limits the campaign to those issues that NCPAC raises.
- D. At the outset of the campaign, the candidate should emphasize that he will not respond to allegations made by "outsiders".
 - 1. Stress that the campaign is of local (district) concern and should not be subject to foreign intervention.
 - 2. Further explain and repeat throughout the campaign when necessary that foreign intervention should not be legitimized by a response.

IV. KEEP NCPAC OFF THE AIR (Concentrate on major network stations)

- A. NCPAC's commercials can be devastating, so the best strategy is to keep them from being aired.
- B. Inform all broadcasting outlets of NCPAC's propensity for sensationalism, gross distortions, fabrications, inaccuracies, and the objectional content of its ads.
- C. Emphasize that the station is not obligated to run NCPAC's ads.
 - 1. Emphasize that more and more stations are refusing to run NCPAC's ads.
- D. Emphasize that a station is liable in a libel action for the content of ads that it accepts and broadcasts.
- E. Encourage the media to denounce NCPAC and intervention.

V. MAKE NCPAC's PRESENCE IN THE CAMPAIGN A CAMPAIGN ISSUE

- A. Equate NCPAC with New Right Extremism and opposing candidate while portraying yourself as in the mainstream of American political thought.
- B. Challenge opposing candidate to disavow NCPAC.
 - 1. If he disavows NCPAC, NCPAC will lose a great deal of credibility and impact.
 - 2. If he refuses to disavow NCPAC, cite that as an example of the dominating influence that a foreign organization has on the candidate.
- C. Demonstrate organizational connections wherever possible between

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NCPAC and opponent's campaign committee.

- D. Break-up New Right coalitions wherever possible (e.g. anti-abortion, pro-gun, etc.).

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From:

**National Conservative
Political Action Committee**

1500 wilson blvd. suite 513 arlington, va. 22209 (703) 522-2800

To:

General Counsel
Federal Election Commission
1325 K St., NW
Washington, DC 20463



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1450

Date Filmed 11/5/82 Camera No. --- 2

Cameraman BPC

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