



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1524

Date Filmed 5/10/84 Camera No. --- 2

Cameraman JRL

FEDERAL ELECTION COMMISSION

12 Day Report

12 Day Pre-Brief

Routing Slips

Information pertaining to Conciliation

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

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

Signed J. Hyndman

date 5/1/84

FEC 9-21-77

May 5-4-84

8404045453

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Don Ritter for Congress Committee
Pfizer, Inc.

MUR 1524

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 26, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1524:

1. Find no probable cause to believe that the Don Ritter for Congress Committee violated 2 U.S.C. § 441b.
2. Find no probable cause to believe that Pfizer, Inc. violated 2 U.S.C. § 441b.
3. Close the file.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

4-26-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

4-23-84, 2:46
4-24-84, 11:00

840404554



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 27, 1984

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524
(Berger and Company, Inc.)

Dear Mr. Malkames:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

84040454553



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524
(Berger and Company, Inc.)

Dear Mr. Malkames:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

840404556

Handwritten signature and date: 4/26/84



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 27, 1984

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524
(Larry Barkan)

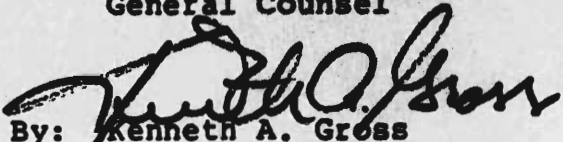
Dear Mr. Barkan:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

840404557



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524
(Larry Barkan)

Dear Mr. Barkan:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

840404558

4/26/84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 27, 1984

Richard Orloski, Esquire
Richard Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Orloski:

This is in reference to the complaint you filed with the Commission on February 7, 1983, and the amendment you filed on October 21, 1983, concerning the Don Ritter for Congress Committee, Pfizer, Inc., Larry Barkan and Berger and Company, Inc.

Based on your complaint the Commission determined there was reason to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter. After an investigation was conducted and briefs of the General Counsel were considered, the Commission concluded on April 26, 1984, that there was no probable cause to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C. § 441b. The Commission previously determined that there was no reason to believe that Larry Barkan and Berger and Company, Inc. violated the Act and no reason to believe the Don Ritter for Congress violated 2 U.S.C. § 434(b)(5)(A). Accordingly, the file in this matter, numbered MUR 1524, has been closed. This matter will become part of the public record within thirty days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

955440408



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard Orloski, Esquire
Richard Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Orloski:

This is in reference to the complaint you filed with the Commission on February 7, 1983, and the amendment you filed on October 21, 1983, concerning the Don Ritter for Congress Committee, Pfizer, Inc., Larry Barkan and Berger and Company, Inc.

Based on your complaint the Commission determined there was reason to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter. After an investigation was conducted and briefs of the General Counsel were considered, the Commission concluded on , 1984, that there was no probable cause to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C § 441b. The Commission previously determined that there was no reason to believe that Larry Barkan and Berger and Company, Inc. violated the Act and no reason to believe the Don Ritter for Congress violated 2 U.S.C. § 434(b)(5)(A). Accordingly, the file in this matter, numbered MUR 1524, has been closed. This matter will become part of the public record within thirty days. Should you wish to submit any factual or legal materials to apper on the public record, please do so within 10 days. 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).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

4-26-84



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 27, 1984

William J. Goebelbecker, Esquire
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

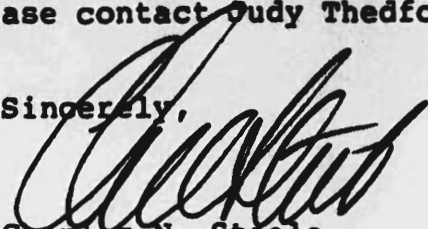
Re: MUR 1524
(Pfizer, Inc.)

Dear Mr. Goebelbecker:

This is to advise you that after an investigation was conducted, the Commission concluded on April 26, 1984, that there is no probable cause to believe that Pfizer, Inc. violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

84040454561



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William J. Goebelbecker, Esquire
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Re: MUR 1524
(Pfizer, Inc.)

Dear Mr. Goebelbecker:

This is to advise you that after an investigation was conducted, the Commission concluded on 1984, that there is no probable cause to believe that Pfizer, Inc. violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

JP
4/26/84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 27, 1984

J. Jackson Eaton, III, Esquire
Butz, Hudders and Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

Re: MUR 1524
(Don Ritter for Congress
Committee)

Dear Mr. Eaton:

This is to advise you that after an investigation was conducted, the Commission concluded on April 26, 1984, that there is no probable cause to believe that the Don Ritter for Congress Committee violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

cc: The Honorable Donald Ritter

84040454563



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

J. Jackson Eaton, III, Esquire
Butz, Hudders and Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

Re: MUR 1524
(Don Ritter for Congress
Committee)

Dear Mr. Eaton:

This is to advise you that after an investigation was conducted, the Commission concluded on 1984, that there is no probable cause to believe that the Don Ritter for Congress Committee violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

cc: The Honorable Donald Ritter

JS
4/26/84

84040454364



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cit*
DATE: April 23, 1984
SUBJECT: MUR 1524 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []

Other (see distribution below) []

84040454565

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

In the Matter of)
Don Ritter for Congress Committee)
Pfizer, Inc.)

MUR 1524

84 APR 23 P 2: 48

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On February 24, 1984, General Counsel's Briefs were sent to the respondents. The briefs stated the General Counsel's intention to recommend to the Commission that a no probable cause to believe determination be made against the Don Ritter for Congress Committee and Pfizer, Inc. The respondents did not submit reply briefs.

II. LEGAL ANALYSIS:

(See OGC Brief of February 24, 1984). Attached for the Commission's review are two letters received from the respondents on September 1, 1983 and September 22, 1983. The letters set forth additional information which was considered by the General Counsel's office in making its no probable cause recommendation.

III. RECOMMENDATION:

1. Find no probable cause to believe that the Don Ritter for Congress Committee violated 2 U.S.C. § 441b.
2. Find no probable cause to believe that Pfizer, Inc. violated 2 U.S.C. § 441b.
3. Close the file.

84040454566

4. Send the attached letters to the respondents and complainant.

23 Oct 1989
Date


Charles N. Steele
General Counsel

Attachments

1. Respondent Letters
2. Letters to Respondents (3)
3. Letter to Complainant

84040454567

GCC #745

RECEIVED
OFFICE OF THE
COMMISSIONER

Thedford



PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N.Y. 10017

WILLIAM J. GOEBELBECKER
Senior Trade Regulation Counsel
(212) 573-2891

September 1, 1983

Honorable Lee Ann Elliott
Vice Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524

Dear Ms. Elliott:

Following receipt of your letter of July 21, 1983, I met and have discussed this matter with Ms. Thedford and Mr. Johansen of the General Counsel's Staff, and the Office of the General Counsel has kindly extended to September 2, 1983 our time for reply. We wish to bring to your attention certain additional facts that establish that the employees involved in the activities alleged in the complaint acted without authority of the Company, and, therefore, did not act on its behalf.

The Commission is currently considering whether Pfizer Inc. has violated 2 U.S.C. §441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), because of actions taken by certain employees at Pfizer's Easton facility. Pfizer maintains that the actions of those employees were unauthorized, beyond the scope of their employment and authority, and contrary to Company policy and practice. Under general agency principles, a corporation will be liable only for the actions of a corporate officer undertaken in the scope of the officer's employment. 19 Am. Jur. 2d Corporations §1256 (1965). As the accompanying affidavits clearly demonstrate, Pfizer did not authorize the conduct of either Dr. Barr or Mr. Sweet. They both state that Pfizer management did not approve of, sanction, or authorize their activities. Neither individual is a corporate officer or director. They further acknowledge that political activities such as those involved in this complaint are not

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①

within the scope of their employment or authority, and are not part of their usual duties and responsibilities." Furthermore, neither has it been alleged, nor is the Company aware of, any instance in the past where Pfizer has approved of, or subsequently ratified a similar course of conduct. The activities undertaken by Mr. Sweet and Dr. Barr were beyond the scope of their authority and employment and hence the corporation cannot be liable for their actions.

As stated in my letter of February 28, 1983, if employees propose to undertake political activities on behalf of the Company, they are expected to check in advance with the New York corporate headquarters to insure that their activities are conducted in accordance with federal, state and local law. No such check was made by Dr. Barr and Mr. Sweet. It is also noted in my February 28th letter that, when Pfizer management first learned of their activities upon receiving the complaint in this action, it sought reimbursement from Dr. Barr and Mr. Sweet for the cost of the stationery and postage involved, and such reimbursement was received.

Although a corporation is permitted under the Act to engage in partisan communications with its stockholders, administrative and executive personnel and their families, 2 U.S.C. §441b(b)(2)(A), Pfizer has never in the past chosen to do so. It has been the long standing Pfizer policy not to urge its employees, shareholders, or any other segment of the population to support any particular candidates for public office, whether at the federal, state or local level. This policy is based on the belief that it is often not in the best interests of the Company or its employees to take partisan positions as to candidates and political parties. Employees might take offense and consider Company endorsement as an intrusion upon their privacy, thereby creating personnel relations problems. The Company has never, therefore, endorsed a candidate in a political race.

On the other hand, the communication at issue, dated September 20, 1982, is a strong and clear endorsement of Congressman Ritter in his campaign for reelection. (Attached

* Dr. James Barr has a Ph.D. in Physical Chemistry. His duties and responsibilities are to supervise research in small particle technology, which involves inorganic and physical chemistry and chemical and electrical engineering. Mr. Erick Sweet is the Research Personnel Manager at the Easton facility. His duties and responsibilities include supervision of employee recruiting, counseling, compensation administration and safety.



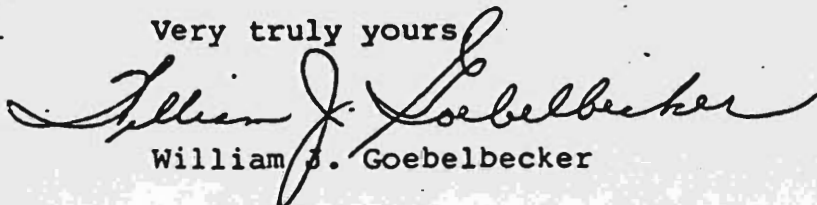
is a copy for ready reference.) It says, for instance, "... if you agree, as we do, that Congressman Ritter deserves our support" and "His voting record leaves no doubt as to his commitment to industries such as ours." The entire document clearly reflects the writer's obvious support for the Congressman.

Although the September 20, 1982 letter may have purported to represent the Company's views, such candidate support would have been at direct odds with the Company policy against endorsement of specific candidates. Thus, the letter would not have been permitted if the Company had been advised in advance of the intention by the Easton people to distribute it. No effort was made to contact anyone in the New York corporate headquarters to even advise corporate headquarters of the proposed mailing of this letter. It was done entirely at the local site, without knowledge - no less consent - of the Company's management or legal advisors in New York.

On the other hand, the Company encourages its employees to become acquainted with, and actively work for candidates of their choice. Indeed, management feels that its employees can make a genuine contribution to good government by actively participating in the election process. As he states in his affidavit, Dr. Barr in particular has established a personal relationship with Congressman Ritter. He has met him on several occasions socially, and at Dr. Barr's request, Mr. Ritter addressed a New York City meeting of the Association of Research Directors, of which Dr. Barr is a member. Unfortunately, Dr. Barr's enthusiasm and support of Mr. Ritter resulted in the unauthorized activities which are the subject of this complaint. It is apparent, however, that those activities were unauthorized by his employer, beyond the scope of his authority, and cannot be the basis for a finding of violation of the Act by Pfizer.

Therefore, we believe that Pfizer Inc. did not violate the prohibition against corporate contributions to candidates for federal office because Dr. Barr and Mr. Sweet acted without authority, beyond the scope of their employment, and contrary to Company policy and practice.

Very truly yours,


William J. Goebelbecker

WJG/avs

Attachments

(3)

84040454570

FEDERAL ELECTION COMMISSION

MUR 1524

AFFIDAVIT OF ERICK W. SWEET

Commonwealth of Pennsylvania)
County of Northampton) ss.

AFFIDAVIT

I, ERICK SWEET, being sworn, do hereby state and attest as follows:

1. I am employed by Pfizer Inc. in its Minerals, Pigments & Metals Division at its facility located in Easton, Pennsylvania. I am Research Personnel Manager at the Easton facility.

2. My duties and responsibilities include the supervision of employee recruiting, counseling, compensation administration, and safety.

3. I am not an officer or director of Pfizer Inc.

4. On or about September 16, 1982, I was in the office of Dr. James Barr when he received a telephone call from Congressman Don Ritter. Congressman Ritter asked for Dr. Barr's assistance in finding volunteers to help canvass on behalf of his campaign. I am a Republican and a supporter of Congressman Ritter and agreed to help Dr. Barr locate volunteers.

5. Dr. Barr and I decided to seek volunteers among our fellow Pfizer employees. I composed the letter cited in the complaint and arranged to mail it to approximately 180 Pfizer employees and retired employees in the Easton area. The letter was typed and duplicated by my secretary who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and mailed them.

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6. The idea of sending out the letter to Pfizer employees was solely mine and Dr. Barr's. We did not seek or receive permission or authority to do so from Pfizer management in New York Headquarters or from any other Pfizer officer or director.

7. Preparing and sending such a letter is not part of my usual duties or responsibilities on behalf of the corporation. It was beyond the scope of my employment and authority.

8. I am not aware of any time when Pfizer has authorized such activity or has sent a partisan communication to its stockholders or employees. As far as I am aware, Pfizer has never endorsed any candidate for political office.

9. Congressman Ritter was not aware of nor involved in Dr. Barr's and my decision to seek volunteers by the methods described in this affidavit.

Erick V. Sweet

ERICK SWEET

Subscribed and sworn to before me
this 31st day of August, 1983.

Barbara Kisselwetter

Notary Public

My commission expires: August 31, 1985

5

State of New York)
) ss.:
County of New York)

AFFIDAVIT

I, James Barr, being sworn, do hereby state and attest as follows:

1. I am employed by Pfizer Inc. in its Minerals, Pigments & Metals Division at its facility located in Easton, Pennsylvania.

2. I have a Ph.D. in Physical Chemistry and my duties and responsibilities are to supervise research in small particle technology, which involves inorganic and physical chemistry and chemical and electrical engineering.

3. I am not an officer or director of Pfizer Inc.

4. On or about September 16, 1982, I received a telephone call from Congressman Don Ritter asking for my assistance in finding volunteers to help canvass on behalf of the campaign. I knew Congressman Ritter personally, having been with him on several social occasions. I had previously asked Congressman Ritter to speak to a meeting, at the Chemists Club in New York City, of the Association of Research Directors, an organization of which I am a member.

5. At the time I received the phone call from Congressman Ritter, Erick Sweet was in my office. Mr. Sweet is a registered Republican and a supporter of Congressman Ritter, and agreed to help me locate volunteers. Mr. Sweet

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(6)

and I decided to seek volunteers from among our fellow Pfizer employees. Mr. Sweet composed the letter cited in the complaint and arranged to mail it to approximately 180 Pfizer employees and retired employees in the Easton area. The letter was typed and duplicated by Mr. Sweet's secretary who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and mailed them.

6. The idea of sending out the letter to Pfizer employees was solely mine and Mr. Sweet's. We did not seek or receive permission or authority to do so from Pfizer management in New York headquarters or from any Pfizer officer or director.

7. Preparing and sending such a letter is not part of my usual duties or responsibilities on behalf of the corporation. It was beyond the scope of my employment and authority.

8. I am not aware of any time when Pfizer has authorized such activity or has sent a partisan communication to its stockholders or employees. As far as I am aware, Pfizer has never endorsed any candidate for political office.

9. Upon receipt of the notice of complaint from the Federal Election Commission, I offered and in fact paid Pfizer the cost of the stationery, duplicating and postage.

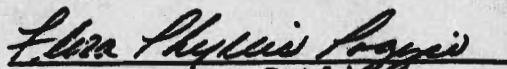
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(7)

10. Congressman Ritter was not aware of nor involved in Mr. Sweet's and my decision to seek volunteers by the methods described in this affidavit.


JAMES BARR, Ph.D.

Subscribed and sworn to before me
this 31st day of August, 1983.


Notary Public

My commission expires: _____

FLORA PHYLLIS POGGIO
NOTARY PUBLIC, State of New York
No. 41-4601511
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1984

84040454575

September 20, 1982

FELLOW DON RITTER SUPPORTERS

As you know, this is an election year and our Congressman, Don Ritter, is facing another challenge in his bid for re-election. The race portends to be a very close one and if you agree, as we do, that Congressman Ritter deserves our support, we would ask that you and your family become involved in his campaign for re-election.

Congressman Ritter has been a strong supporter both of Pfizer and unorganized labor in the Lehigh Valley. His voting record leaves no doubt as to his commitment to industries such as ours. Congressman Ritter will be needing direct support insuring that the maximum Republican vote turns out, and that's where you can HELP!!

Please fill out and return the attached form and join the Pfizer/Ritter "Winning Team."

Erick W. Sweet

Erick W. Sweet
Research Personnel Manager

Please contact me concerning how I and my family might help as a member of the Pfizer/Ritter "Winning Team"

NAME: _____

Phone: _____

Return to: Mr. Erick W. Sweet,
Research Personnel Manager
Pfizer, Inc.
640 North 13th Street
Easton, Pa 18042
215-253-6261, Ext. 380

"NO LATER THAN FRIDAY SEPTEMBER 24, 1982"

(9)

600#866
23 SEP 83 ALL: 29

LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
438-1451
TELECOPIER 215 438-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCE, III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCYK
GILBERT J. NEGRETE, JR.
JOSEPH A. SUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RATHER
G. JACOB TALLMAN
(1928-1967)
HAROLD A. BUTZ
(1923-1969)
THEODORE J. ZELLER, JR.
(1966-1976)
*ALSO ADMITTED IN
NEW YORK

September 22, 1983

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Re: MUR 1524

Dear Mr. Gross:

The purpose of this letter is to set forth additional facts relative to that portion of Federal Election Committee MUR 1524 concerning the alleged "corporate contribution" of Pfizer, Inc. to the Don Ritter for Congress Committee.

Violation of Section 441 (a) of the Federal Election Campaign Act by a candidate or political committee requires such candidate or committee "knowingly" to accept or receive any contribution prohibited by that section. As was stated in the original response by Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee, neither the committee nor the Congressmen requested the mailing described nor was anyone on the committee aware of the content of the mailing or that it in fact had taken place. We believe the following circumstances further demonstrate that neither the Congressmen nor the committee had any knowledge of the use of any corporate assets to the benefit of his campaign.

First, telephone call by the Congressmen was to Dr. James Barr, the Director of Research for Pfizer's Easton plant. The contact was made by the Congressmen to an old friend in an attempt to help gather volunteers. Don Ritter has a Ph.D. in metallurgy from MIT, taught at Lehigh University and was in the university's department of administration prior to his election to Congress. Dr. Barr is a scientist with Pfizer, but not part of the corporate structure that deals with Congress.

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Our understanding is that no one has stated that the Congressmen requested, suggested or intimated that corporate resources be used to help enlist volunteers; nor is there anything to suggest that anyone indicated to Congressmen Ritter or the Committee that such would be the case.

Second, the letter itself is, obviously, one with which the Congressmen would not want to be associated. It is completely contrary to the positions he has taken with regard to labor and would not be helpful in Ritter's district in which the registration is almost 3 to 1 democratic, with a high trade union population.

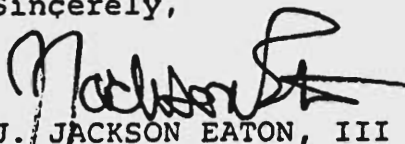
Third, the process resulted in four names being provided to the Ritter committee and to the best of our knowledge none of these were ever contacted to work on the campaign.

Fourth, there is no pattern in this campaign of attempting to employ corporate resources to assist the campaign committee. The Don Ritter Campaign Committee enlisted the support of numerous individuals associated with corporations, banks and labor unions during the campaign. Frequently these individuals were requested to try to garner volunteer support for Congressmen Ritter's re-election from other individuals associated with the same organization. Never, did the Committee or the Congressmen suggest that the resources of such organizations, themselves, be used in or contributed to the campaign.

We realize that it is difficult to "prove a negative", but it appears that all the facts demonstrate that neither Don Ritter nor his campaign committee knew anything of the mailing in question.

If there is any further information which you believe would be pertinent to this matter please call me. The information in this letter has been provided by Congressmen Ritter and members of his Congressional campaign staff.

Sincerely,



J. JACKSON EATON, III

JJE,III:lmd

cc: Jerome Kindrachuk
Honorable Don Ritter

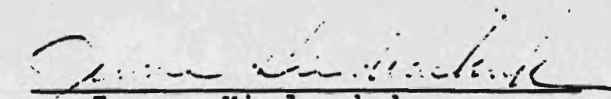
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COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF LEHIGH)

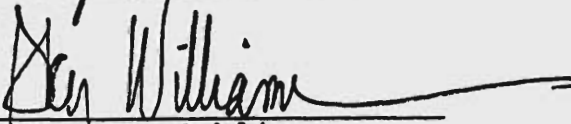
SS:

JEROME KINDRACHUK, being duly sworn according to law, deposes and says that he is the Treasurer of The Don Ritter for Congress Committee, and that as such, he is authorized to make this affidavit on its behalf, and that the facts set forth in the foregoing letter from J. Jackson Eaton, III (attorney for The Don Ritter for Congress Committee) to Kenneth A. Gross are true and correct, partly on his personal knowledge and partly on his information and belief.


Jerome Kindrachuk

SWORN TO AND SUBSCRIBED
before me, this 23rd day

of September, 1983.


Notary Public

SKY WILLIAMS, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES DEC. 30, 1985
Member, Pennsylvania Association of Notaries

(12)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William J. Goebelbecker, Esquire
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Re: MUR 1524
(Pfizer, Inc.)

Dear Mr. Goebelbecker:

This is to advise you that after an investigation was conducted, the Commission concluded on 1984, that there is no probable cause to believe that Pfizer, Inc. violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

(13)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524
(Larry Barkan)

Dear Mr. Barkan:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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(14)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

J. Jackson Eaton, III, Esquire
Butz, Hudders and Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

Re: MUR 1524
(Don Ritter for Congress
Committee)

Dear Mr. Eaton:

This is to advise you that after an investigation was conducted, the Commission concluded on 1984, that there is no probable cause to believe that the Don Ritter for Congress Committee violated the Act. Accordingly, the file in this matter, number MUR 1524, has been closed. This matter will become a part of the public record within 30 days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

cc: The Honorable Donald Ritter

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(15)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524
(Berger and Company, Inc.)

Dear Mr. Malkames:

This is to advise you that the entire file in this matter has now been closed and will become a part of the public record within thirty days.

Should you have any questions, contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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(16)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Richard Orloski, Esquire
Richard Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Orloski:

This is in reference to the complaint you filed with the Commission on February 7, 1983, and the amendment you filed on October 21, 1983, concerning the Don Ritter for Congress Committee, Pfizer, Inc., Larry Barkan and Berger and Company, Inc.

Based on your complaint the Commission determined there was reason to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter. After an investigation was conducted and briefs of the General Counsel were considered, the Commission concluded on , 1984, that there was no probable cause to believe that Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C § 441b. The Commission previously determined that there was no reason to believe that Larry Barkan and Berger and Company, Inc. violated the Act and no reason to believe the Don Ritter for Congress violated 2 U.S.C. § 434(b)(5)(A). Accordingly, the file in this matter, numbered MUR 1524, has been closed. This matter will become part of the public record within thirty days. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. 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).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
General Counsel's Report

(17)

GCC#1899

GENERAL COUNSEL

54 MAR 19 AIO: 41

PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

WILLIAM J. GOEBELBECKER
Senior Trade Regulation Counsel
(212) 573-2891

*Mur 1524
Thedford*

March 14, 1984

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

Re: MUR 1524

Dear Mr. Steele:

Thank you for your letter of February 24, 1984 notifying us that the Office of General Counsel plans to recommend that the Commission find no probable cause to believe that a violation of the Federal Election Campaign Act has occurred.

This will serve to advise you that we do not plan to file a brief with the Commission prior to its vote on this matter.

Sincerely yours,

William J. Goebelbecker
William J. Goebelbecker

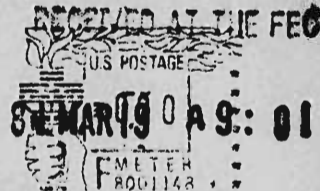
WJG/pr

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Pfizer Inc., 235 East 42nd Street, New York, N.Y. 10017



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





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CW*
DATE: February 24, 1984
SUBJECT: MUR 1524 - Memorandum and General Counsel's Briefs

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information [X]
Sensitive [X]
Non-Sensitive []
Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 FEB 24 P 1: 20

February 24, 1984

MEMORANDUM TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR 1524

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of the briefs and a letter notifying each respondent of the General Counsel's intent to recommend to the Commission a finding of no probable cause to believe was mailed February 24, 1984. Following receipt of a respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Briefs
2. Letters to Respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 1984

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Eaton:

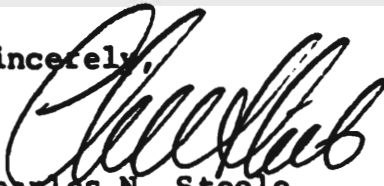
Based on a complaint filed with the Commission on February 7, 1983, the Commission determined on July 19, 1983, that there was reason to believe that the Don Ritter for Congress Committee had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter.]

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your client's position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

Should you have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief

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ATTACHMENT II
15



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 24, 1984

William J. Goebelbecker, Esquire
Pfizer, Inc.
235 East 42nd Street
New York, New York

RE: MUR 1524

Dear Mr. Goebelbecker:

Based on a complaint filed with the Commission on February 7, 1983, the Commission determined on July 19, 1983, that there was reason to believe that Pfizer, Inc. had violated 2 U.S.C. § 441b, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter.]

After considering all the evidence available to the Commission, the Office of General Counsel is prepared to recommend that the Commission find no probable cause to believe that a violation has occurred. The Commission may or may not approve the General Counsel's Recommendation.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your client's position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you submit will be considered by the Commission before proceeding to a vote of no probable cause to believe a violation has occurred.

Should you have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

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16

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Don Ritter for Congress Committee) MUR 1524

GENERAL COUNSEL'S BRIEF

I. Background

Richard Orloski filed a complaint with the Commission on February 7, 1983, alleging that Pfizer, Inc., at the request of the Don Ritter for Congress Committee (the "Ritter Committee"), mailed a flier soliciting campaign volunteers for the Ritter Committee in violation of 2 U.S.C. § 441b(a). The complaint also alleged that the Ritter Committee violated 2 U.S.C. § 434(b) by reporting disbursements to Berger and Company, Inc., an advertising and public relations firm, when the Ritter Committee should have reported disbursements to vendors used by Berger and Company, Inc. Pfizer, Inc., the Ritter Committee and Berger and Company, Inc., each responded to the complaint.

On July 19, 1983, the Commission found reason to believe that Pfizer, Inc. ("Pfizer") and the Don Ritter for Congress Committee ("Ritter Committee") violated 2 U.S.C. § 441b(a) and no reason to believe that the Ritter Committee violated 2 U.S.C. § 434(b) or that Berger and Company, Inc., violated the Act.

On July 21, 1983, the Ritter Committee and Pfizer were notified of the Commission's reason to believe determination. During the month of August 1983, counsel for Pfizer and Counsel for the Ritter Committee met with staff members of the General Counsel's Office. Both the Ritter Committee and Pfizer indicated

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that they would submit further information to the Commission concerning the alleged violation. On September 2, 1983, Pfizer submitted a response and on September 22, 1983, the Ritter Committee submitted a response.

On October 21, 1983, Richard Orloski filed an amendment to his complaint. The amendment alleged that the Ritter Committee used a "mole" to infiltrate the Orloski campaign committee and that the "mole" was paid by Berger and Company, Inc., to keep the operation covert. The complaint alleged that the Ritter Committee violated 2 U.S.C. § 434(b) by not reporting the payments to the "mole." Copies of the amendment were sent to the Ritter Committee and Berger and Company, Inc. Responses were filed by the Ritter Committee on November 25, 1983, and by Berger Company, Inc., on November 29, 1983. On February 9, 1984, the Commission found no reason to believe that the Ritter Committee violated 2 U.S.C. § 434(b) or that Berger and Company, Inc., violated the Act.

II. Factual and Legal Analysis

In Mid-September 1982, Congressman Ritter phoned Dr. James Barr, Director of Research at the Easton facility, asking for volunteers to canvass the Congressman's district. Dr. Barr enlisted the assistance of Erick Sweet, the Research Personnel manager at the Easton facility.

Erick Sweet drafted a letter and had the letter typed, duplicated and placed in envelopes by his secretary. The letter solicited volunteers to join the "Pfizer/Ritter 'Winning Team'" and contained a reply form to return to Mr. Sweet. A Clerk ran

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the letters through the company's postage meter and deposited the letters in the mail.

Copies of the letter were mailed to approximately 180 people at the Easton facility. The 180 individuals who were sent the letter consisted of 7 retirees, 100 staff personnel, and 73 research and laboratory technicians.

In response to the solicitation for volunteers, four affirmative responses were received. The names and telephone numbers of these individuals were given by phone to Congressman Ritter's campaign office. The Ritter Committee claims that it never contacted the four individuals.

The issue to be addressed in this matter is whether the communication prepared and circulated by Dr. Barr and Mr. Sweet constitutes a contribution by Pfizer to the Ritter Committee in violation of 2 U.S.C. § 441b or whether the activity performed by these individuals was independent from Pfizer and was "individual volunteer activity."

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for Federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any Federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [Federal election]." 2 U.S.C. § 441b(b)(2).

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Clearly, a corporate communication to the general public which solicites volunteers to work in the campaign of a Federal candidate would constitute an illegal corporate contribution. Pfizer contends, however, that the communication soliciting volunteers to work on Ritter's campaign was not an act which can be attributed to Pfizer, but was merely independent activity engaged in by two of its employees.

Pfizer states that the actions of Barr and Sweet were "unauthorized, beyond the scope of their employment and authority, and contrary to company policy and practice." Pfizer cites 19 Am Jur. 2d Corporations § 1256 (1968) which states that under general agency principles, a corporation will be liable for the actions of a corporate officer only if those actions are undertaken in the scope of the officer's employment.

Additionally, Pfizer notes that its policy is to require employees to check in advance with the New York corporate headquarters before engaging in any political activity. Pfizer states that no such check was made by Barr or Sweet. Pfizer further states that it has never engaged in partisan political communications and that it is company policy not to urge its employees and stockholders, or for that matter any segment of the population, to support any particular candidate.

In support of Pfizer's position, Dr. Barr and Mr. Sweet submitted affidavits which state that neither is an officer or director of Pfizer, that the preparation of the letter was solely their own idea, and that they did not seek or receive permission

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or authority from Pfizer's New York headquarters or any Pfizer officer or director to do the mailing.

The responses from both Pfizer and the Ritter Committee also explain the relationship between Barr and Congressman Ritter. The responses show that the telephone conversation between Barr and Ritter in which Ritter requested help from Barr in obtaining volunteers was of a personal nature. Ritter and Barr share a similar educational background and had met previously on social occasions. Ritter further states that he did not suggest the use of corporate facilities nor was he aware that Barr would use the facilities of Pfizer in soliciting volunteers.

Pfizer further states that even if Barr and Sweet had permission to prepare and circulate the communication such activity would have been allowed as "individual volunteer activity" pursuant to 11 C.F.R. § 114.9(a).

Section 114.9(a) of Title 11 of the Code of Federal Regulations permits employees of a corporation to make occasional, isolated, or incidental use of the facilities of the corporation for individual volunteer activity in connection with a Federal election and requires that the corporation be reimbursed to the extent that the overhead or operating costs of the corporation are increased. The term "occasional, isolated or incidental use" generally means an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period. The Commission Regulations at 11 C.F.R. § 114.9(a)(1)(iii) further states that any activity

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The evidence is that Pfizer did not authorize or suggest that a communication be distributed soliciting volunteers to Ritter's campaign. Barr and Sweet have sworn in affidavits that the idea of sending the letters was solely their own and was done in response to a request from Congressman Ritter for volunteers. The use of Pfizer's facilities was occasional, isolated and incidental. Pfizer was reimbursed for any costs incurred.

Therefore, the Office of General Counsel recommends that the Commission find no probable cause to believe that the Ritter Committee violated 2 U.S.C. § 441b.

III. Recommendation

1. Find no probable cause to believe that Don Ritter for Congress Committee violated 2 U.S.C. § 441b.

24 February 1974
Date


Charles N. Steele
General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Pfizer, Inc.

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) MUR 1524

GENERAL COUNSEL'S BRIEF

I. Background

Richard Orloski filed a complaint with the Commission on February 7, 1983, alleging that Pfizer, Inc., at the request of the Don Ritter for Congress Committee (the "Ritter Committee"), mailed a flier soliciting campaign volunteers for the Ritter Committee in violation of 2 U.S.C. § 441b(a). The complaint also alleged that the Ritter Committee violated 2 U.S.C. § 434(b) by reporting disbursements to Berger and Company, Inc., an advertising and public relations firm, when the Ritter Committee should have reported disbursements to vendors used by Berger and Company, Inc. Pfizer, Inc., the Ritter Committee and Berger and Company, Inc., each responded to the complaint.

On July 19, 1983, the Commission found reason to believe that Pfizer, Inc. ("Pfizer") and the Don Ritter for Congress Committee ("Ritter Committee") violated 2 U.S.C. § 441b(a) and no reason to believe that the Ritter Committee violated 2 U.S.C. § 434(b) or that Berger and Company, Inc., violated the Act.

On July 21, 1983, the Ritter Committee and Pfizer were notified of the Commission's reason to believe determination. During the month of August 1983, counsel for Pfizer and Counsel for the Ritter Committee met with staff members of the General Counsel's Office. Both the Ritter Committee and Pfizer indicated

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that they would submit further information to the Commission concerning the alleged violation. On September 2, 1983, Pfizer submitted a response and on September 22, 1983, the Ritter Committee submitted a response.

On October 21, 1983, Richard Orloski filed an amendment to his complaint. The amendment alleged that the Ritter Committee used a "mole" to infiltrate the Orloski campaign committee and that the "mole" was paid by Berger and Company, Inc., to keep the operation covert. The complaint alleged that the Ritter Committee violated 2 U.S.C. § 434(b) by not reporting the payments to the "mole." Copies of the amendment were sent to the Ritter Committee and Berger and Company, Inc. Responses were filed by the Ritter Committee on November 25, 1983, and by Berger Company, Inc., on November 29, 1983. On February 9, 1984, the Commission found no reason to believe that the Ritter Committee violated 2 U.S.C. § 434(b) or that Berger and Company, Inc., violated the Act.

II. Factual and Legal Analysis

In Mid-September 1982, Congressman Ritter phoned Dr. James Barr, Director of Research at the Easton facility, asking for volunteers to canvass the Congressman's district. Dr. Barr enlisted the assistance of Erick Sweet, the Research Personnel manager at the Easton facility.

Erick Sweet drafted a letter and had the letter typed, duplicated and placed in envelopes by his secretary. The letter solicited volunteers to join the "Pfizer/Ritter 'Winning Team'" and contained a reply form to return to Mr. Sweet. A Clerk ran

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the letters through the company's postage meter and deposited the letters in the mail.

Copies of the letter were mailed to approximately 180 people at the Easton facility. The 180 individuals who were sent the letter consisted of 7 retirees, 100 staff personnel, and 73 research and laboratory technicians.

In response to the solicitation for volunteers, four affirmative responses were received. The names and telephone numbers of these individuals were given by phone to Congressman Ritter's campaign office. The Ritter Committee claims that it never contacted the four individuals.

The issue to be addressed in this matter is whether the communication prepared and circulated by Dr. Barr and Mr. Sweet constitutes a contribution by Pfizer to the Ritter Committee in violation of 2 U.S.C. § 441b or whether the activity performed by these individuals was independent from Pfizer and was "individual volunteer activity."

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for Federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any Federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [Federal election]." 2 U.S.C. § 441b(b)(2).

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Clearly, a corporate communication to the general public which solicits volunteers to work in the campaign of a Federal candidate would constitute an illegal corporate contribution. Pfizer contends, however, that the communication soliciting volunteers to work on Ritter's campaign was not an act which can be attributed to Pfizer, but was merely independent activity engaged in by two of its employees.

Pfizer states that the actions of Barr and Sweet were "unauthorized, beyond the scope of their employment and authority, and contrary to company policy and practice." Pfizer cites 19 Am Jur. 2d Corporations § 1256 (1968) which states that under general agency principles, a corporation will be liable for the actions of a corporate officer only if those actions are undertaken in the scope of the officer's employment.

Additionally, Pfizer notes that its policy is to require employees to check in advance with the New York corporate headquarters before engaging in any political activity. Pfizer states that no such check was made by Barr or Sweet. Pfizer further states that it has never engaged in partisan political communications and that it is company policy not to urge its employees and stockholders, or for that matter any segment of the population, to support any particular candidate.

In support of Pfizer's position, Dr. Barr and Mr. Sweet submitted affidavits which state that neither is an officer or director of Pfizer, that the preparation of the letter was solely their own idea, and that they did not seek or receive permission

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or authority from Pfizer's New York headquarters or any Pfizer officer or director to do the mailing.

The responses from both Pfizer and the Ritter Committee also explain the relationship between Barr and Congressman Ritter. The responses show that the telephone conversation between Barr and Ritter in which Ritter requested help from Barr in obtaining volunteers was of a personal nature. Ritter and Barr share a similar educational background and had met previously on social occasions. Ritter further states that he did not suggest the use of corporate facilities nor was he aware that Barr would use the facilities of Pfizer in soliciting volunteers.

Pfizer further states that even if Barr and Sweet had permission to prepare and circulate the communication such activity would have been allowed as "individual volunteer activity" pursuant to 11 C.F.R. § 114.9(a).

Section 114.9(a) of Title 11 of the Code of Federal Regulations permits employees of a corporation to make occasional, isolated, or incidental use of the facilities of the corporation for individual volunteer activity in connection with a Federal election and requires that the corporation be reimbursed to the extent that the overhead or operating costs of the corporation are increased. The term "occasional, isolated or incidental use" generally means an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period. The Commission Regulations at 11 C.F.R. § 114.9(a)(1)(iii) further states that any activity

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which does not exceed one hour per week or four hours per month, regardless of whether the activity is undertaken during or after normal hours, shall be considered as occasional, isolated, or incidental use of the corporate facilities.

Pfizer states that the activity of Dr. Barr, Mr. Sweet and the two other employees did not interfere with their job performance. Pfizer further asserts that no more than four man hours over a period of two weeks was spent on the mailing by the four employees. This would break down to less than one hour each week for each employee, clearly falling within the time frame for "occasional, isolated and incidental use" as defined in 11 C.F.R. § 114.9(a).

Section 114.9(a) also requires that the corporation be reimbursed to the extent that the overhead or operating costs are increased. Pfizer states that Dr. Barr reimbursed the corporation for the cost of stationary and postage as soon as Pfizer became aware that the activity had taken place which was when Orloski filed his complaint.

The evidence is that Pfizer did not authorize or suggest that a communication be distributed soliciting volunteers to Ritter's campaign. Barr and Sweet have sworn in affidavits that the idea of sending the letters was solely their own and was done in response to a request from Congressman Ritter for volunteers. The use of Pfizer's facilities was occasional, isolated and incidental. Pfizer was reimbursed for any costs incurred.

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Therefore, the Office of General Counsel recommends that the Commission find no probable cause to believe that Pfizer violated 2 U.S.C. § 441b.

III. Recommendation

1. Find no probable cause to believe that Pfizer, Inc., violated 2 U.S.C. § 441b.

24 February 1964
Date


Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1984

J. Jackson Eaton
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

RE: MUR 1524

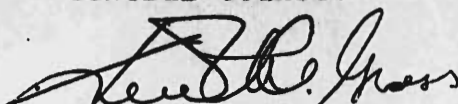
Dear Mr. Eaton:

Pursuant to your conversation with Judy Thedford on February 23, 1984, we enclose a copy of your September 22, 1983, letter to the Commission concerning MUR 1524. As you will note, the letter was received by our office on September 26, 1983.

If you have any further questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosure:
Letter

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LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON HALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 610
438-1451
TELEPHONE 215 438-1723

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WILLIAM S. HUDDERS
ROBERT S. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. PEDOK
WILLIAM H. FITZGERALD
THOMAS C. BADLER, JR.
OLDRICH FOUCER III
GARY S. FISORE, P.C.
JACK J. JOHNSON
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BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK S. PROBYN
GILBERT J. HEBRETE, JR.
JOSEPH A. DUBBA
DENNIS F. FEELEY
JOSEPH A. HOLRO

OF COUNSEL
HERBERT H. RAFFERTY

D. JACOB TALLMAN
(1928-1992)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1908-1978)

*ALSO ADMITTED IN
NEW YORK

September 22, 1983

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Re: MUR 1524

Dear Mr. Gross:

The purpose of this letter is to set forth additional facts relative to that portion of Federal Election Committee MUR 1524 concerning the alleged "corporate contribution" of Pfizer, Inc. to the Don Ritter for Congress Committee.

Violation of Section 441 (a) of the Federal Election Campaign Act by a candidate or political committee requires such candidate or committee "knowingly" to accept or receive any contribution prohibited by that section. As was stated in the original response by Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee, neither the committee nor the Congressmen requested the mailing described nor was anyone on the committee aware of the content of the mailing or that it in fact had taken place. We believe the following circumstances further demonstrate that neither the Congressmen nor the committee had any knowledge of the use of any corporate assets to the benefit of his campaign.

First, telephone call by the Congressmen was to Dr. James Barr, the Director of Research for Pfizer's Easton plant. The contact was made by the Congressmen to an old friend in an attempt to help gather volunteers. Don Ritter has a Ph.D. in metallurgy from MIT, taught at Lehigh University and was in the university's department of administration prior to his election to Congress. Dr. Barr is a scientist with Pfizer, but not part of the corporate structure that deals with Congress.

Our understanding is that no one has stated that the Congressmen requested, suggested or intimated that corporate resources be used to help enlist volunteers; nor is there anything to suggest that anyone indicated to Congressmen Ritter or the Committee that such would be the case.

Second, the letter itself is, obviously, one with which the Congressmen would not want to be associated. It is completely contrary to the positions he has taken with regard to labor and would not be helpful in Ritter's district in which the registration is almost 3 to 1 democratic, with a high trade union population.

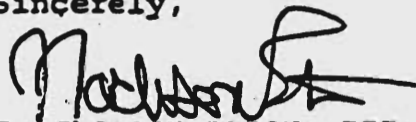
Third, the process resulted in four names being provided to the Ritter committee and to the best of our knowledge none of these were ever contacted to work on the campaign.

Fourth, there is no pattern in this campaign of attempting to employ corporate resources to assist the campaign committee. The Don Ritter Campaign Committee enlisted the support of numerous individuals associated with corporations, banks and labor unions during the campaign. Frequently these individuals were requested to try to garner volunteer support for Congressmen Ritter's re-election from other individuals associated with the same organization. Never, did the Committee or the Congressmen suggest that the resources of such organizations, themselves, be used in or contributed to the campaign.

We realize that it is difficult to "prove a negative", but it appears that all the facts demonstrate that neither Don Ritter nor his campaign committee knew anything of the mailing in question.

If there is any further information which you believe would be pertinent to this matter please call me. The information in this letter has been provided by Congressmen Ritter and members of his Congressional campaign staff.

Sincerely,


J. JACKSON EATON, III

JJE,III:lmd

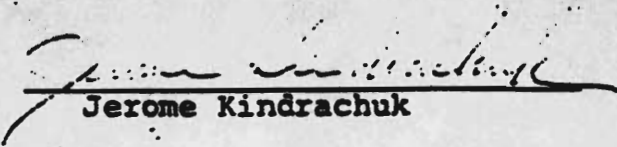
cc: Jerome Kindrachuk
Honorable Don Ritter

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF LEHIGH)

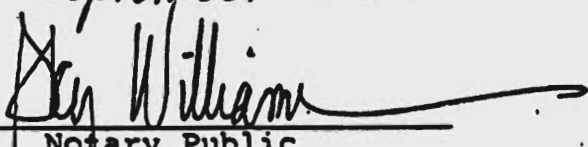
SS:

JEROME KINDRACHUK, being duly sworn according to law, deposes and says that he is the Treasurer of The Don Ritter for Congress Committee, and that as such, he is authorized to make this affidavit on its behalf, and that the facts set forth in the foregoing letter from J. Jackson Eaton, III (attorney for The Don Ritter for Congress Committee) to Kenneth A. Gross are true and correct, partly on his personal knowledge and partly on his information and belief.


Jerome Kindrachuk

SWORN TO AND SUBSCRIBED
before me, this 23rd day

of September, 1983.


Notary Public

SKY WILLIAMS, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES DEC. 30, 1985
Member, Pennsylvania Association of Notaries

84040454609

2-14-84

UNITED STATES POSTAL SERVICE
FIRST CLASS PERMIT NO. 1000 NEW YORK, N.Y.

POSTAGE WILL BE PAID BY ADDRESSEE

GENERAL INFORMATION FOR POSTAGE

1. The following service is requested (check one):
☐ Deliver to address and date delivered
☐ Deliver to address, date, and address of delivery
☐ REGISTERED MAIL (also includes delivery to be changed to address in the return receipt box.)

TOTAL \$

ARTICLE DESCRIBED BY
William D. Malkemus, Esq.
509 Linden Street
Arlington, Pa. 18101

2. TYPE OF SERVICE:
☐ REGISTERED MAIL
☐ REGISTERED MAIL
☐ REGISTERED MAIL
☐ REGISTERED MAIL

ARTICLE NUMBER
943077

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Address ☐ Agent

DATE OF DELIVERY
2/17/84

3. ADDRESSEE'S ADDRESS (only if requested)

7. UNABLE TO DELIVER BECAUSE:

8. EMPLOYEE'S INITIALS

181 VA 11/10/11

MUR 524 - The Ark



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 14, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esquire
509 Linden Street
Allentown, Pennsylvania 18101

RE: MUR 1524

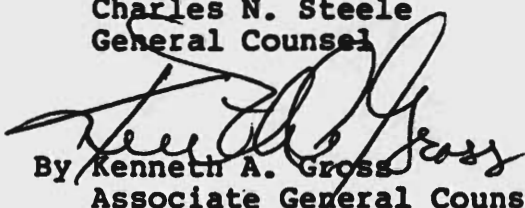
Dear Mr. Malkames:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, Berger and Company, Inc., violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 9, 1984, determined that on the basis of the information in the complaint, and information provided by Berger and Company, Inc., there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

84040454610

84040454611

PS Form 3811, July 1982

2-14-84

• **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):

☐ Show to whom and date delivered

☐ Show to whom, date, and address of delivery

2. ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
J. Jackson Eaton III
1120 Hamilton Hall
Albany, Pa. 18001

4. **TYPE OF SERVICE:**

☐ REGISTERED ☐ INSURED

☒ CERTIFIED ☐ COD

☐ EXPRESS MAIL

ARTICLE NUMBER
943078

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

J. A. Miller

5. **DATE OF DELIVERY**
2-17-84

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

MUR 1524 The

PSN 1000-50-000

RETURN RECEIPT



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 14, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson, Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Eaton:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, the Don Ritter for Congress Committee, violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on February 9, 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Don Ritter for Congress Committee with regard to the alleged 2 U.S.C. § 434(b)(5)(A) violation. The matter still remains opened as it pertains to the Ritter Committee's violation of § 441b(a).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

84040454612



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkanes, Esquire
509 Linden Street
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Malkanes:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, Berger and Company, Inc., violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by Berger and Company, Inc., there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

840454613
OK
2-1084



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esquire
509 Linden Street
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Malkames:

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The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by Berger and Company, Inc., there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

84040454614



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson, Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Eaton:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, the Don Ritter for Congress Committee, violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Don Ritter for Congress Committee with regard to the alleged 2 U.S.C. § 434(b)(5)(A) violation. The matter still remains opened as it pertains to the Ritter Committee's violation of § 441b(a).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

2-10-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson, Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Eaton:

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The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Don Ritter for Congress Committee with regard to the alleged 2 U.S.C. § 434(b)(5)(A) violation. The matter still remains opened as it pertains to the Ritter Committee's violation of § 441b(a).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

31040454616

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Don Ritter for Congress Committee)

Pfizer, Inc.)

Berger and Company, Inc.)

MUR 1524

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on February 9, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1524:

1. Find no reason to believe that Don Ritter for Congress Committee violated 2 U.S.C. § 434(b)(5)(A).
2. Find no reason to believe that Berger and Company, Inc. violated the Act.
3. Send the letters as attached to the General Counsel's Report signed February 6, 1984.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry and Reiche voted affirmatively in this matter.

Attest:

2-10-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

2-7-84, 9:37
2-7-84, 4:00

84040454617



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Ct*
DATE: February 7, 1984
SUBJECT: MUR 1524 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

84040454618

In the Matter of)
Don Ritter for Congress Committee)
Pfizer, Inc.)
Berger and Company, Inc.)

MUR 1524
FEB 7 49:37

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On October 21, 1983, Richard Orloski filed an amendment to his original complaint.*/ The amendment alleges that the Don Ritter for Congress Committee ("Ritter Committee") was paying a "mole" to infiltrate the Orloski campaign committee and that the "mole" was paid by Berger and Company, Inc. ("Berger") to keep the operation covert and payments unreported in violation of 2 U.S.C § 434(b) (Attachment I). Copies of the amendment were sent to the Ritter Committee and Berger. Responses were filed on November 25, and 29, 1983, (Attachments II and III).

II. FACTUAL AND LEGAL ANALYSIS:

It is alleged that a violation of 2 U.S.C. § 434(b) (5) (A) has been committed by the Ritter Committee in that Berger made payments in excess of \$100 to a "mole" to infiltrate the Orloski campaign committee and that these expenditures were not itemized by the Ritter Committee on disclosure reports.

*/ The original complaint was filed on February 7, 1983. It alleged violations of 2 U.S.C. § 434(b) and § 441b(a). On July 19, 1983, the Commission found reason to believe the Don Ritter for Congress Committee and Pfizer, Inc. violated 2 U.S.C. § 441b(a) and no reason to believe the Don Ritter for Congress Committee and Berger and Company, Inc. violated 2 U.S.C. § 434(b). A General Counsel's Brief addressing the 441b(a) issue will follow.

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Mr. Orloski did not reveal the name of the "mole" but submitted a list of names for the Ritter Committee and Berger to confirm if they paid any of the persons on the list in 1982.

Berger stated that its services were itemized in invoices to the Ritter Committee and that services to the Ritter Committees were rendered in a manner which would apply to any client. Berger denied that it participated in any "modus operandi" and stated that none of the persons appearing on the list was paid or employed by the company.

The Ritter Committee responded to the amendment by submitting an affidavit from the Ritter Committee treasurer, Jerome Kindrachuk. Mr. Kindrachuk denied the Committee paid either directly or through Berger anyone to be a "mole" as alleged by Orloski. Additionally, he swore that the Committee "at no time hired or made payments to any of the persons listed on the attachment...". He also states in the affidavit that each payment to Berger was indicated on appropriate reports to the Commission.

As stated in the First General Counsel's Report on this matter, 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(4)(i) describe the requirements for itemizing disbursements by authorized committees. Specifically, the reporting committee is required to report the name and address of each person to whom an expenditure is made in an aggregate amount of \$200 within a

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calendar year. The date, amount, and purpose of the operating expenditure must also be reported. Commission regulations at 11 C.F.R. § 104.3(b)(4)(i)(A) gives examples of both proper and inadequate descriptions of the purpose of a Committee's operating expenses.

The Ritter Committee made payments to Berger. The payments were reported for media consulting, media expenses, media services, and radio. These descriptions of the disbursements meet the requirements set forth in 11 C.F.R.

§ 104.3(b)(4)(i)(A). However, the crux of the matter is that both the Ritter Committee and Berger deny that any disbursements were ever made to any of the individuals listed in Orloski's amended complaint. If no such disbursements were ever made they would not be reported.

The Office of General Counsel recommends finding no reason to believe Berger and Company violated the Act and no reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 434(b)(5)(A).

III. RECOMMENDATION

1. Find no reason to believe that Don Ritter for Congress Committee violated 2 U.S.C. § 434(b)(5)(A).

2. Find no reason to believe that Berger and Company, Inc. violated the Act.

84040454621

3. Send attached letters.

February 6, 1984
Date

Charles N. Steele
General Counsel

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

Attachments

- I. Amendment
- II. Ritter Response
- III. Berger Response
- IV. Proposed Letters

84040454622

**Richard
ORLOSKI**
for CONGRESS

COMMITTEE: 446 Linden Street • Allentown, Pennsylvania 18102
October 21, 1983 Phone (215) 435-2727

ATTACHMENT I

Ms. Judy Thedford
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524
Don Ritter For Congress Committee

Dear Ms. Thedford:

This letter will supplement my original verified complaint in the above-captioned matter dated January 31, 1983.

In addition to the complaints made in the original correspondence, I have received information that the Don Ritter For Congress Committee was using a paid "mole" to infiltrate our campaign organization, and that the mole was paid by checks in excess of \$100.00 by Berger and Company. The failure to itemize this expenditure is in violation of 2 U.S.C. Section 434(b)(9) and (10).

According to my information, the modus operandi used in the mole infiltration was the same as used in the Larry Barkan "dirty tricks" operation outlined in my correspondence of January 31, 1983. Specifically, the Ritter campaign people solicited a person to act as a volunteer to our organization to gather confidential campaign information from our group. This person was then paid for these covert operations, and the amounts collected were in excess of \$100.00. Hence, they were required to be itemized. In order to conceal this campaign expenditure for personal services and salary, the monies paid came from a checking account at Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania, 18102 [(215) 435-9687] rather than from the Don Ritter For Congress Committee, even though they were expenses for personal services and salaries of the campaign. The reason

Ms. Judy Thedford

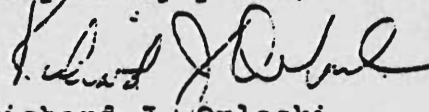
-2-

October 21, 1983

this was done was to keep this operation secret, and the Ritter organization knew that, if they reported this expense by name of payee and date in their report, we would uncover this covert operation.

At this juncture, I am not prepared to reveal the name of the person who was operating as a paid mole for the Ritter campaign. I am, however, enclosing a list of all people in our campaign who had access to confidential campaign information. You can confirm the allegations of the complaint by asking the Don Ritter For Congress Committee and Berger and Company if they paid any of the persons on the list monies in 1982. An affirmative answer to any of the persons on the list would confirm my information.

Very truly yours,



Richard J. Orloski

RJO:ldj
enc.

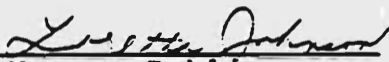
COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEHIGH)

SS:

I, Richard J. Orloski, being duly sworn according to law, depose and say that the foregoing facts are true and correct, according to my best knowledge, information and belief.


Richard J. Orloski

SWORN TO and Subscribed
before me this 21st day
of October, 1983.


Notary Public

LORETTA JOHNSON, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES MAR. 11, 1985
Member, Pennsylvania Association of Notaries

(2)

VOLUNTEERS

John Larmer
David Gawlick
Loretta Johnson
Ron Savacool
Carol Calnan
Barbara Sennett
Nancy Long
Jim Clemmer
Rick Cengeri
Scott Beyer
Jan Reiner
Bonnie Strunk
Chris Gibbons
Chris Russell
Mickey Dionne
Robin Lochner
George Bilicic
Ben Saganovich
Linda Nicholas
Steve Machaorletti

84040454629

ATTACHMENT II

RECEIVED AT THE FEC

83 NOV 23 AM: 20

Shedford

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON HALL

ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 610

430-1851

TELECOPIER 610 430-1733

OF COUNSEL
HERBERT M. RAFFNER

O. JACOB TALLMAN
(1922-1997)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1906-1976)

*ALSO ADMITTED IN
NEW YORK

NOV 25 PM: 01

WILLIAM S. HUDDERS
ROBERT S. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
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OLDRICH FOUCER III
GARY S. FIGORE, P.C.
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BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK D. PROCYK
GILBERT J. NEGRETTE, JR.
JOSEPH A. SUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

November 23, 1983

Charles N. Steel
General Counsel
Federal Election Commission
1325 K Street, N.S.
Washington, D.C. 20463

Re: MUR 1524

Dear Mr. Steel:

I am in receipt of your letter of November 9, 1983 and the enclosed "Supplement" to the complaint of Richard J. Orloski in the matter bearing your caption MUR 1524. Attached is the affidavit of Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee which affidavit responds to the specific allegation which has been made.

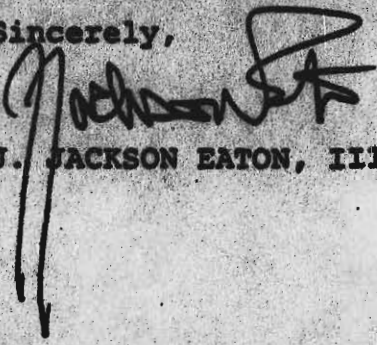
I must, at this point, raise some serious questions about the nature of these proceedings. We have tried to be forthcoming to all the many inquiries made of us by the FEC in response to the Orloski charges raised over the course of the last year. The committee has, with great effort, attempted to respond point by point to Mr. Orloski's allegations, providing, where possible, documentary evidence to support our position.

We are confronted now not only with a new allegation, but one in which Mr. Orloski is withholding alleged evidence. Mr. Orloski states that he is "not prepared to reveal the name of the person who is operating as a paid mole" and then proceeded to offer a multiple choice exhibit. If Mr. Orloski has evidence as to violation of the Federal Election Code, let him state the same. He is, instead, dealing in speculation and innuendo.

(4)

The Don Ritter for Congress Committee will cooperate in any way in providing whatever further information the Federal Election Commission may request in this matter.

Sincerely,


J. JACKSON EATON, III

JJE,III:lmd

Enclosure

cc: Honorable Don Ritter
Jerome Kindrachuk

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5

COMMONWEALTH OF PENNSYLVANIA)

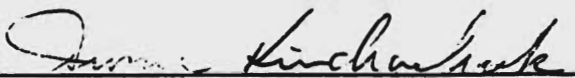
COUNTY OF LEHIGH)

SS:

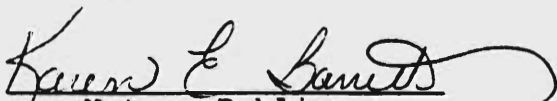
I, Jerome Kindrachuk, am the Treasurer of the Don Ritter for Congress Committee.

During the 1982 Congressional Campaign, the Committee engaged Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania, for advertising and public relations purposes. The Committee did not, either directly or through Berger and Company, pay anyone to be a "mole" as alleged in Mr. Orloski's letter of October 21, 1983.

Each payment made to Berger and Company was indicated on appropriate reports to the Federal Election Commission. The Don Ritter for Congress Committee at no time hired or made payments to any of the persons listed on the attachment headed "Volunteers" to Mr. Orloski's October 21, 1983 letter.


Jerome Kindrachuk

SWORN TO and Subscribed
before me this 23rd day
of November, 1983.


Notary Public

Karen E. Barretto, Notary Public
Allentown, Lehigh County, Pennsylvania
My Commission Expires August 9, 1986

(6)

BERGER and COMPANY, INC.

Advertising • Public Relations • Marketing

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

November 17, 1983

Federal Election Commission
Washington, DC 20463

Attention: Judith Thedford

RE: MUR 1524

This letter will serve to acknowledge the Federal Election Commission communication directed to our counsel, William G. Malkames, Esq., 509 Linden Street, Allentown, PA 18101, under date of November 9, 1983, noting that on October 26, 1983 the Commission received an additional letter from one Richard J. Orloski.

Your covering letter to Atty. Malkames, with enclosures, has been noted.

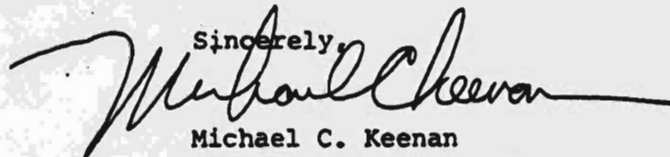
Expenditures made for advertising and professional services provided by Berger and Company, Inc., with respect to the Don Ritter for Congress Committee account were itemized category by category and line by line in detailed Berger and Company invoices delivered to the Treasurer of the Committee, Jerome Kindrachuk, CPA, in accordance with accepted accounting procedures prescribed by our own Certified Public Accounting counsel.

Services to the Committee were rendered in a manner that would apply to any client, whether institutional, corporate, charitable, or individual, who may engage our firm for professional services including advertising, public relations, market research, media evaluations and recommendations, media placement, art and production, et al. Berger and Company did not function as a political action committee, as alleged.

Complainant's allegation that Berger and Company participated in any "modus operandi" or paid for services to gather what the complainant recklessly describes as "confidential campaign information and covert operations" are totally without foundation.

Indeed, we would suggest that if the complainant is aware of the name of the person whom he describes as a "paid mole for the Ritter campaign," he should so identify "the person." The "volunteers" listed as an enclosure to his letter are not known to Berger and Company and it can be stated categorically that none of the persons appearing on the complainants' "list of all people in our campaign who had access to confidential campaign information" was paid or employed by us.

Sincerely,



Michael C. Keenan
Executive Vice President

MCK:sr

ATTACHMENT
III

RECEIVED AT THE FEC
6441155
83 NOV 29 P12:42

11/29 P2:29

840454629

7

ATTACHMENT IV



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson, Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Eaton:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, the Don Ritter for Congress Committee, violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by the Don Ritter for Congress Committee with regard to the alleged 2 U.S.C. § 434(b)(5)(A) violation. The matter still remains opened as it pertains to the Ritter Committee's violation of § 441b(a).

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

8



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esquire
509 Linden Street
Allentown, Pennsylvania 18101

RE: MUR 1524

Dear Mr. Malkames:

On November 9, 1983, the Commission notified you of an amendment to a complaint alleging that your client, Berger and Company, Inc., violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, determined that on the basis of the information in the complaint, and information provided by Berger and Company, Inc., there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

9

BERGER and COMPANY, INC.

Advertising • Public Relations • Marketing

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

November 17, 1983

Federal Election Commission
Washington, DC 20463

Attention: Judith Thedford

RE: MUR 1524

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Your covering letter to Atty. Malkames, with enclosures, has been noted.

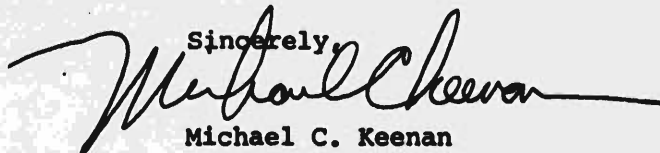
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Services to the Committee were rendered in a manner that would apply to any client, whether institutional, corporate, charitable, or individual, who may engage our firm for professional services including advertising, public relations, market research, media evaluations and recommendations, media placement, art and production, et al. Berger and Company did not function as a political action committee, as alleged.

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Indeed, we would suggest that if the complainant is aware of the name of the person whom he describes as a "paid mole for the Ritter campaign," he should so identify "the person." The "volunteers" listed as an enclosure to his letter are not known to Berger and Company and it can be stated categorically that none of the persons appearing on the complainants' "list of all people in our campaign who had access to confidential campaign information" was paid or employed by us.

Sincerely,



Michael C. Keenan
Executive Vice President

MCK:sr

RECEIVED AT THE FEC
6041155
83 NOV 20 PM 2:42

NOV 29 PM 2:29

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BERGER and COMPANY, INC.

Advertising • Public Relations • Marketing
B & B Building • 546 Hamilton Street • Box 1111
Allentown, Pennsylvania 18105

CERTIFIED

P 440344 655

MAIL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Federal Election Commission
Washington, DC 20463

Attention: Judith Thedford



PA

DE KETEV
F11 654492

RECEIVED AT THE FBI

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Medford

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 215
438-1481

TELECOMPER 215 438-1733

OF COUNSEL
HERBERT M. RAFFNER

O. JACOB TALLMAN
(1928-1987)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1908-1976)

ALSO ADMITTED IN
NEW YORK

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. BADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGONE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE G. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK S. PROCVK
GILBERT J. NEGRETE, JR.
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

November 23, 1983

Charles N. Steel
General Counsel
Federal Election Commission
1325 K Street, N.S.
Washington, D.C. 20463

Re: MUR 1524

Dear Mr. Steel:

I am in receipt of your letter of November 9, 1983 and the enclosed "Supplement" to the complaint of Richard J. Orloski in the matter bearing your caption MUR 1524. Attached is the affidavit of Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee which affidavit responds to the specific allegation which has been made.

I must, at this point, raise some serious questions about the nature of these proceedings. We have tried to be forthcoming to all the many inquiries made of us by the FEC in response to the Orloski charges raised over the course of the last year. The committee has, with great effort, attempted to respond point by point to Mr. Orloski's allegations, providing, where possible, documentary evidence to support our position.

We are confronted now not only with a new allegation, but one in which Mr. Orloski is withholding alleged evidence. Mr. Orloski states that he is "not prepared to reveal the name of the person who is operating as a paid mole" and then proceeded to offer a multiple choice exhibit. If Mr. Orloski has evidence as to violation of the Federal Election Code, let him state the same. He is, instead, dealing in speculation and innuendo.

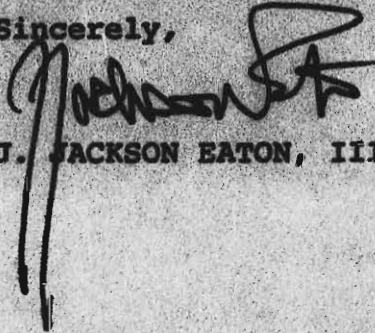
840454634

83 NOV 25 P 4: 01

CHIEF OF BUREAU

The Don Ritter for Congress Committee will cooperate in any way in providing whatever further information the Federal Election Commission may request in this matter.

Sincerely,


J. JACKSON EATON, III

JJE,III:lmd

Enclosure

cc: Honorable Don Ritter
Jerome Kindrachuk

84740454635

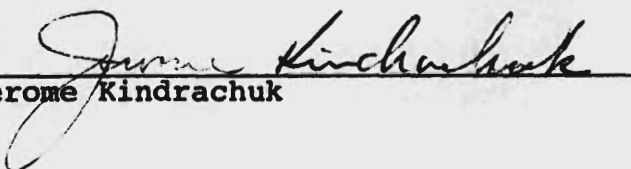
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF LEHIGH

SS:

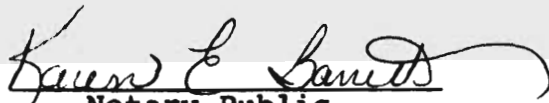
I, Jerome Kindrachuk, am the Treasurer of the Don Ritter for Congress Committee.

During the 1982 Congressional Campaign, the Committee engaged Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania, for advertising and public relations purposes. The Committee did not, either directly or through Berger and Company, pay anyone to be a "mole" as alleged in Mr. Orloski's letter of October 21, 1983.

Each payment made to Berger and Company was indicated on appropriate reports to the Federal Election Commission. The Don Ritter for Congress Committee at no time hired or made payments to any of the persons listed on the attachment headed "Volunteers" to Mr. Orloski's October 21, 1983 letter.


Jerome Kindrachuk

SWORN TO and Subscribed
before me this 23rd day
of November, 1983.


Notary Public

Karen E. Barretto, Notary Public
Allentown, Lehigh County, Pennsylvania
My Commission Expires August 9, 1986

84040454636



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE *mwe*
FROM: MARJORIE W. EMMONS /JODY C. RANSOM *JCR*
DATE: NOVEMBER 23, 1983
SUBJECT: MUR 1524 - Comprehensive Investigative Report
#2 signed November 21, 1983

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, November 22, 1983.

There were no objections to the Comprehensive Investigative Report at the time of the deadline.

84040454637



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: November 21, 1983
SUBJECT: MUR 1524 - Comprehensive Investigative Report #2

The attached is submitted as an Agenda document
for the Commission Meeting of _____
Open Session _____
Closed Session _____

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []
24 Hour No Objection [x]
Sensitive [x]
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []
Other []

DISTRIBUTION

Compliance [x]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of
Don Ritter for Congress Committee
Pfizer, Inc.

MUR 1524

83 NOV 21 P 2: 09

SENSITIVE

Comprehensive Investigative Report #2

On July 19, 1983, the Commission found reason to believe that the Don Ritter for Congress Committee ("Ritter Committee") and Pfizer, Inc. ("Pfizer") violated 2 U.S.C. § 441b(a).

The respondents indicated that they would submit further information to the Commission.

On September 2, 1983, Pfizer filed its response. Pfizer argues that Dr. Barr was not authorized by the corporation to do the mailing; and that Pfizer's policy is not to urge employees or shareholders to support any candidate for public office.

On September 22, 1983, the Ritter Committee filed its response. In its response, the Committee argues that the contact between Dr. Barr of Pfizer and Congressman Ritter was a personal contact between old friends and not an attempt to elicit the assistance of the Pfizer corporation. The Committee also states that the Congressman did not suggest or request that corporate resources be used to enlist volunteers.

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On October 21, 1983, the complainant, Richard Orloski, filed a letter alleging an additional violation by the Ritter Committee and Berger and Company. The amendment alleges that the Ritter Committee was paying a "mole" to infiltrate the Orloski campaign committee and that the "mole" was paid by Berger and Company to keep the operation covert.

Copies of the amendment were sent to the Ritter Committee and Berger and Company. The respondents were given fifteen days to reply to the new allegation.

Date

November 21, 1983

Charles N. Steele
General Counsel

BY:

Kenneth A. Gross
Associate General Counsel

84040454610



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1983

Richard Orloski
Richard Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Orloski:

This letter is to acknowledge receipt of your letter dated October 21, 1983, which alleges additional violations of the Federal Election Campaign Act by the respondents in MUR 1524. The respondents have been notified of this additional information.

You will be notified as soon as the Commission takes final action on your complaint.

Sincerely,

Charles N. Steele
General Counsel

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

By: Kenneth A. Gross
Associate General Counsel

84040454641



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1983

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524

Dear Mr. Malkames:

On February 15, 1983, your client, Berger and Company, Inc., was notified that the Federal Election Commission had received a complaint from Richard Orloski alleging that Berger and Company, Inc., violated certain sections of the Federal Election Campaign Act of 1971, as amended.

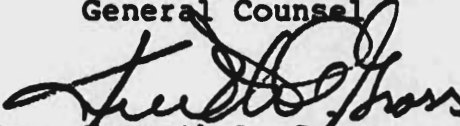
On October 26, 1983, the Commission received an additional letter from the complainant pertaining to the allegations in the complaint. We are enclosing a copy of this letter.

Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against Berger and Company, Inc. Please submit your response within fifteen days of receipt of this letter.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Orloski Letter

84040454642

**Richard
ORLOSKI**
for CONGRESS

COMMITTEE : 446 Linden Street • Allentown, Pennsylvania 18102
October 21, 1983 Phone (215) 435-2727

Ms. Judy Thedford
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524
Don Ritter For Congress Committee

Dear Ms. Thedford:

This letter will supplement my original verified complaint in the above-captioned matter dated January 31, 1983.

In addition to the complaints made in the original correspondence, I have received information that the Don Ritter For Congress Committee was using a paid "mole" to infiltrate our campaign organization, and that the mole was paid by checks in excess of \$100.00 by Berger and Company. The failure to itemize this expenditure is in violation of 2 U.S.C. Section 434(b)(9) and (10).

According to my information, the modus operandi used in the mole infiltration was the same as used in the Larry Barkan "dirty tricks" operation outlined in my correspondence of January 31, 1983. Specifically, the Ritter campaign people solicited a person to act as a volunteer to our organization to gather confidential campaign information from our group. This person was then paid for these covert operations, and the amounts collected were in excess of \$100.00. Hence, they were required to be itemized. In order to conceal this campaign expenditure for personal services and salary, the monies paid came from a checking account at Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania, 18102 [(215) 435-9687] rather than from the Don Ritter For Congress Committee, even though they were expenses for personal services and salaries of the campaign. The reason

Ms. Judy Thedford

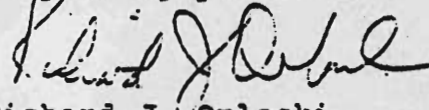
-2-

October 21, 1983

this was done was to keep this operation secret, and the Ritter organization knew that, if they reported this expense by name of payee and date in their report, we would uncover this covert operation.

At this juncture, I am not prepared to reveal the name of the person who was operating as a paid mole for the Ritter campaign. I am, however, enclosing a list of all people in our campaign who had access to confidential campaign information. You can confirm the allegations of the complaint by asking the Don Ritter For Congress Committee and Berger and Company if they paid any of the persons on the list monies in 1982. An affirmative answer to any of the persons on the list would confirm my information.

Very truly yours,



Richard J. Orloski

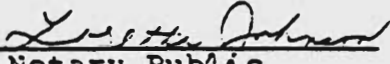
RJO:ldj
enc.

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEHIGH) SS:

I, Richard J. Orloski, being duly sworn according to law, depose and say that the foregoing facts are true and correct, according to my best knowledge, information and belief.


Richard J. Orloski

SWORN TO and Subscribed
before me this 21st day
of October, 1983.


Notary Public

LORETTA JOHNSON, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES MAR. 11, 1985
Member, Pennsylvania Association of Notaries

84040454644

VOLUNTEERS

.. John Larmer
David Gawlick
Loretta Johnson
Ron Savacool
Carol Calnan
Barbara Sennett
Nancy Long
Jim Clemmer
Rick Cengeri
Scott Beyer
Jan Reiner
Bonnie Strunk
Chris Gibbons
Chris Russell
Mickey Dionne
Robin Lochner
George Bilicic
Ben Saganovich
Linda Nicholas
Steve Machaorletti

84040454645



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 9, 1983

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

Re: MUR 1524

Dear Mr. Eaton:

On February 16, 1983, your client, the Don Ritter for Congress Committee, was notified that the Federal Election Commission had received a complaint from Richard Orloski alleging that the Don Ritter for Congress Committee violated certain sections of the Federal Election Campaign Act of 1971, as amended.

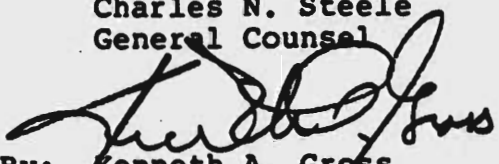
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Under the Act, you have an opportunity to demonstrate, in writing, that no action should be taken against your client. Please submit your response within fifteen days of receipt of this letter.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure
Orloski Letter

84040454646

**Richard
ORLOSKI**
for CONGRESS

COMMITTEE: 446 Linden Street • Allentown, Pennsylvania 18102
October 21, 1983 Phone (215) 435-2727

Ms. Judy Thedford
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524
Don Ritter For Congress Committee

Dear Ms. Thedford:

This letter will supplement my original verified complaint in the above-captioned matter dated January 31, 1983.

In addition to the complaints made in the original correspondence, I have received information that the Don Ritter For Congress Committee was using a paid "mole" to infiltrate our campaign organization, and that the mole was paid by checks in excess of \$100.00 by Berger and Company. The failure to itemize this expenditure is in violation of 2 U.S.C. Section 434(b)(9) and (10).

According to my information, the modus operandi used in the mole infiltration was the same as used in the Larry Barkan "dirty tricks" operation outlined in my correspondence of January 31, 1983. Specifically, the Ritter campaign people solicited a person to act as a volunteer to our organization to gather confidential campaign information from our group. This person was then paid for these covert operations, and the amounts collected were in excess of \$100.00. Hence, they were required to be itemized. In order to conceal this campaign expenditure for personal services and salary, the monies paid came from a checking account at Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania, 18102 [(215) 435-9687] rather than from the Don Ritter For Congress Committee, even though they were expenses for personal services and salaries of the campaign. The reason

Ms. Judy Theedford

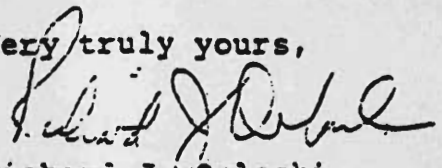
-2-

October 21, 1983

this was done was to keep this operation secret, and the Ritter organization knew that, if they reported this expense by name of payee and date in their report, we would uncover this covert operation.

At this juncture, I am not prepared to reveal the name of the person who was operating as a paid mole for the Ritter campaign. I am, however, enclosing a list of all people in our campaign who had access to confidential campaign information. You can confirm the allegations of the complaint by asking the Don Ritter For Congress Committee and Berger and Company if they paid any of the persons on the list monies in 1982. An affirmative answer to any of the persons on the list would confirm my information.

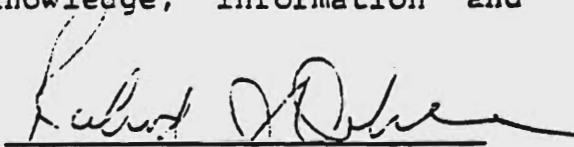
Very truly yours,


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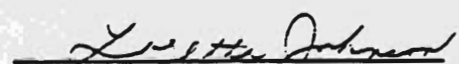
RJO:ldj
enc.

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF LEHIGH) SS:

I, Richard J. Orloski, being duly sworn according to law, depose and say that the foregoing facts are true and correct, according to my best knowledge, information and belief.


Richard J. Orloski

SWORN TO and Subscribed
before me this 21st day
of October, 1983.


Notary Public

LORETTA JOHNSON, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES MAR 11, 1985
Member, Pennsylvania Association of Notaries

84040454618

VOLUNTEERS

John Larmer
David Gawlick
Loretta Johnson
Ron Savacool
Carol Calnan
Barbara Sennett
Nancy Long
Jim Clemmer
Rick Cengeri
Scott Beyer
Jan Reiner
Bonnie Strunk
Chris Gibbons
Chris Russell
Mickey Dionne
Robin Lochner
George Bilicic
Ben Saganovich
Linda Nicholas
Steve Machaorletti

84040454649



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/JODY C. RANSOM *JCR*

DATE:

SEPTEMBER 12, 1983

SUBJECT:

MUR 1524 - Comprehensive Investigative
Report #1 signed September 1, 1983

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, Tuesday, September 6, 1983.

There were no objections to the Comprehensive Investigative Report at the time of the deadline.

84040454650

**Richard
ORLOSKI**
for CONGRESS

COMMITTEE: 448 Linden Street • Allentown, Pennsylvania 18102
October 21, 1983 (215) 435-2727

Ms. Judy Thedford
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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OCT 26 1983

Ms. Judy Thedford

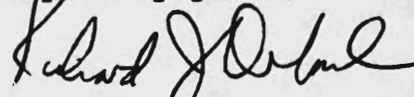
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October 21, 1983

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Very truly yours,



Richard J. Orloski

RJO:ldj
enc.

COMMONWEALTH OF PENNSYLVANIA)

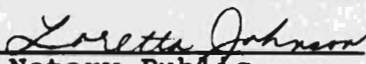
) SS:

COUNTY OF LEHIGH)

I, Richard J. Orloski, being duly sworn according to law, depose and say that the foregoing facts are true and correct, according to my best knowledge, information and belief.


Richard J. Orloski

SWORN TO and Subscribed
before me this 21st day
of October, 1983.


Notary Public

LORETTA JOHNSON, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES MAR. 11, 1985
Member, Pennsylvania Association of Notaries

84040454652

VOLUNTEERS

John Larmer
David Gawlick
Loretta Johnson
Ron Savacool
Carol Calnan
Barbara Sennett
Nancy Long
Jim Clemmer
Rick Cengeri
Scott Beyer
Jan Reiner
Bonnie Strunk
Chris Gibbons
Chris Russell
Mickey Dionne
Robin Lochner
George Bilicic
Ben Saganovich
Linda Nicholas
Steve Machaorletti

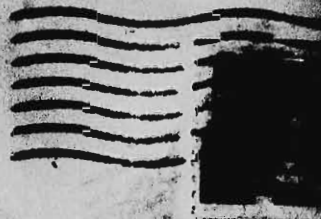
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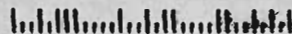


**Richard
ORLOSKI**
for CONGRESS

COMMITTEE HEADQUARTERS:
446 Linden Street
Allentown, Pennsylvania 18102



Ms. Judy Thedford
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



RECEIVED AT THE FEC
GCC#866
83 SEP 26 AM: 29
9T

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL

ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 610

438-1461

TELECOMPER 218-438-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCVY
GILBERT J. NEGRETE, JR.
JOSEPH A. SUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFFNER*

G. JACOB TALLMAN
(1928-1987)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1908-1976)

*ALSO ADMITTED IN
NEW YORK

September 22, 1983

CRANE-EST-CREST

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

Re: MUR 1524

Dear Mr. Gross:

The purpose of this letter is to set forth additional facts relative to that portion of Federal Election Committee MUR 1524 concerning the alleged "corporate contribution" of Pfizer, Inc. to the Don Ritter for Congress Committee.

Violation of Section 441 (a) of the Federal Election Campaign Act by a candidate or political committee requires such candidate or committee "knowingly" to accept or receive any contribution prohibited by that section. As was stated in the original response by Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee, neither the committee nor the Congressmen requested the mailing described nor was anyone on the committee aware of the content of the mailing or that it in fact had taken place. We believe the following circumstances further demonstrate that neither the Congressmen nor the committee had any knowledge of the use of any corporate assets to the benefit of his campaign.

First, telephone call by the Congressmen was to Dr. James Barr, the Director of Research for Pfizer's Easton plant. The contact was made by the Congressmen to an old friend in an attempt to help gather volunteers. Don Ritter has a Ph.D. in metallurgy from MIT, taught at Lehigh University and was in the university's department of administration prior to his election to Congress. Dr. Barr is a scientist with Pfizer, but not part of the corporate structure that deals with Congress.

340454655

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OFFICE OF THE
COMMISSIONER

Our understanding is that no one has stated that the Congressmen requested, suggested or intimated that corporate resources be used to help enlist volunteers; nor is there anything to suggest that anyone indicated to Congressmen Ritter or the Committee that such would be the case.

Second, the letter itself is, obviously, one with which the Congressmen would not want to be associated. It is completely contrary to the positions he has taken with regard to labor and would not be helpful in Ritter's district in which the registration is almost 3 to 1 democratic, with a high trade union population.

Third, the process resulted in four names being provided to the Ritter committee and to the best of our knowledge none of these were ever contacted to work on the campaign.

Fourth, there is no pattern in this campaign of attempting to employ corporate resources to assist the campaign committee. The Don Ritter Campaign Committee enlisted the support of numerous individuals associated with corporations, banks and labor unions during the campaign. Frequently these individuals were requested to try to garner volunteer support for Congressmen Ritter's re-election from other individuals associated with the same organization. Never, did the Committee or the Congressmen suggest that the resources of such organizations, themselves, be used in or contributed to the campaign.

We realize that it is difficult to "prove a negative", but it appears that all the facts demonstrate that neither Don Ritter nor his campaign committee knew anything of the mailing in question.

If there is any further information which you believe would be pertinent to this matter please call me. The information in this letter has been provided by Congressmen Ritter and members of his Congressional campaign staff.

Sincerely,


J. JACKSON EATON, III

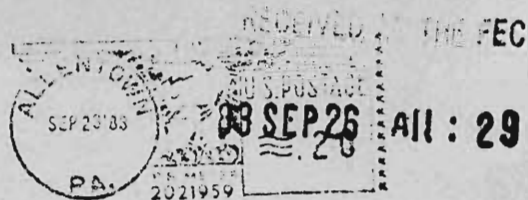
JJE,III:lmd

cc: Jerome Kindrachuk
Honorable Don Ritter

3 4 0 4 5 4 6 5 6

BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488



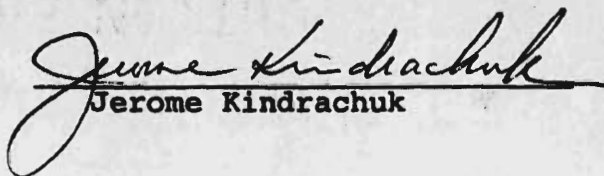
Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF LEHIGH)

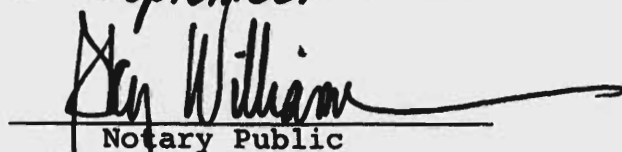
SS:

JEROME KINDRACHUK, being duly sworn according to law, deposes and says that he is the Treasurer of The Don Ritter for Congress Committee, and that as such, he is authorized to make this affidavit on its behalf, and that the facts set forth in the foregoing letter from J. Jackson Eaton, III (attorney for The Don Ritter for Congress Committee) to Kenneth A. Gross are true and correct, partly on his personal knowledge and partly on his information and belief.


Jerome Kindrachuk

SWORN TO AND SUBSCRIBED
before me, this 23rd day

of September, 1983.


Notary Public

SKY WILLIAMS, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES DEC. 30, 1985
Member, Pennsylvania Association of Notaries

GCC # 745

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

100

PFIZER INC., 235 EAST 42ND STREET, NEW YORK, N.Y. 10017
83 SEP 2 10:47

WILLIAM J. GOEBELBECKER
Senior Trade Regulation Counsel
(212) 579-3881

September 1, 1983

Honorable Lee Ann Elliott
Vice Chairman
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524

Dear Ms. Elliott:

Following receipt of your letter of July 21, 1983, I met and have discussed this matter with Ms. Thedford and Mr. Johansen of the General Counsel's Staff, and the Office of the General Counsel has kindly extended to September 2, 1983 our time for reply. We wish to bring to your attention certain additional facts that establish that the employees involved in the activities alleged in the complaint acted without authority of the Company, and, therefore, did not act on its behalf.

The Commission is currently considering whether Pfizer Inc. has violated 2 U.S.C. §441b(a) of the Federal Election Campaign Act of 1971, as amended ("the Act"), because of actions taken by certain employees at Pfizer's Easton facility. Pfizer maintains that the actions of those employees were unauthorized, beyond the scope of their employment and authority, and contrary to Company policy and practice. Under general agency principles, a corporation will be liable only for the actions of a corporate officer undertaken in the scope of the officer's employment. 19 Am. Jur. 2d Corporations §1256 (1965). As the accompanying affidavits clearly demonstrate, Pfizer did not authorize the conduct of either Dr. Barr or Mr. Sweet. They both state that Pfizer management did not approve of, sanction, or authorize their activities. Neither individual is a corporate officer or director. They further acknowledge that political activities such as those involved in this complaint are not

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GENERAL COUNSEL

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within the scope of their employment or authority, and are not part of their usual duties and responsibilities. Furthermore, neither has it been alleged, nor is the Company aware of, any instance in the past where Pfizer has approved of, or subsequently ratified a similar course of conduct. The activities undertaken by Mr. Sweet and Dr. Barr were beyond the scope of their authority and employment and hence the corporation cannot be liable for their actions.

As stated in my letter of February 28, 1983, if employees propose to undertake political activities on behalf of the Company, they are expected to check in advance with the New York corporate headquarters to insure that their activities are conducted in accordance with federal, state and local law. No such check was made by Dr. Barr and Mr. Sweet. It is also noted in my February 28th letter that, when Pfizer management first learned of their activities upon receiving the complaint in this action, it sought reimbursement from Dr. Barr and Mr. Sweet for the cost of the stationery and postage involved, and such reimbursement was received.

Although a corporation is permitted under the Act to engage in partisan communications with its stockholders, administrative and executive personnel and their families, 2 U.S.C. §441b(b)(2)(A), Pfizer has never in the past chosen to do so. It has been the long standing Pfizer policy not to urge its employees, shareholders, or any other segment of the population to support any particular candidates for public office, whether at the federal, state or local level. This policy is based on the belief that it is often not in the best interests of the Company or its employees to take partisan positions as to candidates and political parties. Employees might take offense and consider Company endorsement as an intrusion upon their privacy, thereby creating personnel relations problems. The Company has never, therefore, endorsed a candidate in a political race.

On the other hand, the communication at issue, dated September 20, 1982, is a strong and clear endorsement of Congressman Ritter in his campaign for reelection. (Attached

* Dr. James Barr has a Ph.D. in Physical Chemistry. His duties and responsibilities are to supervise research in small particle technology, which involves inorganic and physical chemistry and chemical and electrical engineering. Mr. Erick Sweet is the Research Personnel Manager at the Easton facility. His duties and responsibilities include supervision of employee recruiting, counseling, compensation administration and safety.

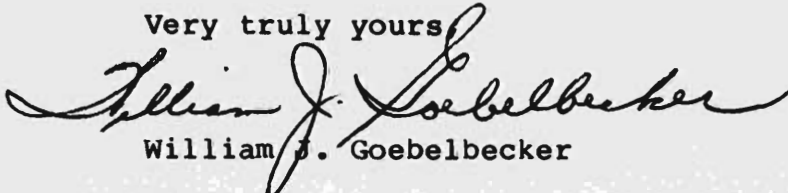
is a copy for ready reference.) It says, for instance, "... if you agree, as we do, that Congressman Ritter deserves our support" and "His voting record leaves no doubt as to his commitment to industries such as ours." The entire document clearly reflects the writer's obvious support for the Congressman.

Although the September 20, 1982 letter may have purported to represent the Company's views, such candidate support would have been at direct odds with the Company policy against endorsement of specific candidates. Thus, the letter would not have been permitted if the Company had been advised in advance of the intention by the Easton people to distribute it. No effort was made to contact anyone in the New York corporate headquarters to even advise corporate headquarters of the proposed mailing of this letter. It was done entirely at the local site, without knowledge - no less consent - of the Company's management or legal advisors in New York.

On the other hand, the Company encourages its employees to become acquainted with, and actively work for candidates of their choice. Indeed, management feels that its employees can make a genuine contribution to good government by actively participating in the election process. As he states in his affidavit, Dr. Barr in particular has established a personal relationship with Congressman Ritter. He has met him on several occasions socially, and at Dr. Barr's request, Mr. Ritter addressed a New York City meeting of the Association of Research Directors, of which Dr. Barr is a member. Unfortunately, Dr. Barr's enthusiasm and support of Mr. Ritter resulted in the unauthorized activities which are the subject of this complaint. It is apparent, however, that those activities were unauthorized by his employer, beyond the scope of his authority, and cannot be the basis for a finding of violation of the Act by Pfizer.

Therefore, we believe that Pfizer Inc. did not violate the prohibition against corporate contributions to candidates for federal office because Dr. Barr and Mr. Sweet acted without authority, beyond the scope of their employment, and contrary to Company policy and practice.

Very truly yours,


William J. Goebelbecker

WJG/avs

Attachments

84040454651

FEDERAL ELECTION COMMISSION

MUR 1524

AFFIDAVIT OF ERICK W. SWEET

Commonwealth of Pennsylvania)
) ss.
County of Northampton)

AFFIDAVIT

I, ERICK SWEET, being sworn, do hereby state and attest as follows:

1. I am employed by Pfizer Inc. in its Minerals, Pigments & Metals Division at its facility located in Easton, Pennsylvania. I am Research Personnel Manager at the Easton facility.

2. My duties and responsibilities include the supervision of employee recruiting, counseling, compensation administration, and safety.

3. I am not an officer or director of Pfizer Inc.

4. On or about September 16, 1982, I was in the office of Dr. James Barr when he received a telephone call from Congressman Don Ritter. Congressman Ritter asked for Dr. Barr's assistance in finding volunteers to help canvass on behalf of his campaign. I am a Republican and a supporter of Congressman Ritter and agreed to help Dr. Barr locate volunteers.

5. Dr. Barr and I decided to seek volunteers among our fellow Pfizer employees. I composed the letter cited in the complaint and arranged to mail it to approximately 180 Pfizer employees and retired employees in the Easton area. The letter was typed and duplicated by my secretary who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and mailed them.

83 SEP 2 P12:06

RECEIVED
GENERAL COUNCIL

8404045462

6. The idea of sending out the letter to Pfizer employees was solely mine and Dr. Barr's. We did not seek or receive permission or authority to do so from Pfizer management in New York Headquarters or from any other Pfizer officer or director.

7. Preparing and sending such a letter is not part of my usual duties or responsibilities on behalf of the corporation. It was beyond the scope of my employment and authority.

8. I am not aware of any time when Pfizer has authorized such activity or has sent a partisan communication to its stockholders or employees. As far as I am aware, Pfizer has never endorsed any candidate for political office.

9. Congressman Ritter was not aware of nor involved in Dr. Barr's and my decision to seek volunteers by the methods described in this affidavit.

Erick V. Sweet

ERICK SWEET

Subscribed and sworn to before me
this 31st day of August, 1983.

Barbara Kissawetter

Notary Public

My commission expires: August 31, 1985

84040454663

State of New York)
) ss.:
County of New York)

AFFIDAVIT

I, James Barr, being sworn, do hereby state and attest as follows:

1. I am employed by Pfizer Inc. in its Minerals, Pigments & Metals Division at its facility located in Easton, Pennsylvania.

2. I have a Ph.D. in Physical Chemistry and my duties and responsibilities are to supervise research in small particle technology, which involves inorganic and physical chemistry and chemical and electrical engineering.

3. I am not an officer or director of Pfizer Inc.

4. On or about September 16, 1982, I received a telephone call from Congressman Don Ritter asking for my assistance in finding volunteers to help canvass on behalf of the campaign. I knew Congressman Ritter personally, having been with him on several social occasions. I had previously asked Congressman Ritter to speak to a meeting, at the Chemists Club in New York City, of the Association of Research Directors, an organization of which I am a member.

5. At the time I received the phone call from Congressman Ritter, Erick Sweet was in my office. Mr. Sweet is a registered Republican and a supporter of Congressman Ritter, and agreed to help me locate volunteers. Mr. Sweet

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GENERAL COUNSEL
13 SEP 1982
P12:06

and I decided to seek volunteers from among our fellow Pfizer employees. Mr. Sweet composed the letter cited in the complaint and arranged to mail it to approximately 180 Pfizer employees and retired employees in the Easton area. The letter was typed and duplicated by Mr. Sweet's secretary who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and mailed them.

6. The idea of sending out the letter to Pfizer employees was solely mine and Mr. Sweet's. We did not seek or receive permission or authority to do so from Pfizer management in New York headquarters or from any Pfizer officer or director.

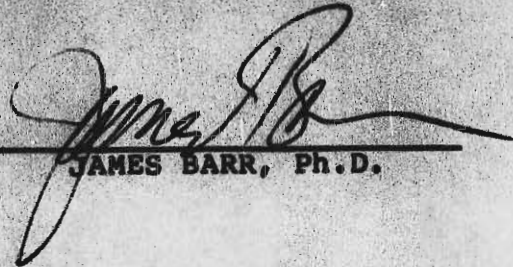
7. Preparing and sending such a letter is not part of my usual duties or responsibilities on behalf of the corporation. It was beyond the scope of my employment and authority.

8. I am not aware of any time when Pfizer has authorized such activity or has sent a partisan communication to its stockholders or employees. As far as I am aware, Pfizer has never endorsed any candidate for political office.

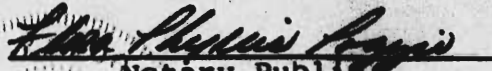
9. Upon receipt of the notice of complaint from the Federal Election Commission, I offered and in fact paid Pfizer the cost of the stationery, duplicating and postage.

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10. Congressman Ritter was not aware of nor involved in Mr. Sweet's and my decision to seek volunteers by the methods described in this affidavit.


JAMES BARR, Ph.D.

Subscribed and sworn to before me
this 31st day of August, 1983.


Notary Public

My commission expires: _____

FLORA PHYLLIS POGGIO
NOTARY PUBLIC, State of New York
No. 41-4601511
Qualified in Queens County
Certificate filed in New York County
Commission Expires March 30, 1984

84040454666

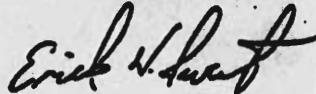
September 20, 1982

FELLOW DON RITTER SUPPORTERS

As you know, this is an election year and our Congressman, Don Ritter, is facing another challenge in his bid for re-election. The race portends to be a very close one and if you agree, as we do, that Congressman Ritter deserves our support, we would ask that you and your family become involved in his campaign for re-election.

Congressman Ritter has been a strong supporter both of Pfizer and unorganized labor in the Lehigh Valley. His voting record leaves no doubt as to his commitment to industries such as ours. Congressman Ritter will be needing direct support insuring that the maximum Republican vote turns out, and that is where you can HELP!!

Please fill out and return the attached form and join the Pfizer/Ritter "Winning Team."



Erick W. Sweet
Research Personnel Manager

Please contact me concerning how I and my family might help as a member of the Pfizer/Ritter "Winning Team"

NAME: _____

Phone: _____

Return to: Mr. Erick W. Sweet,
Research Personnel Manager
Pfizer, Inc.
640 North 13th Street
Easton, Pa 18042
215-253-6261, Ext. 380

"NO LATER THAN FRIDAY SEPTEMBER 24, 1982"



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 26, 1983

William J. Goebelbecker
Senior Trade Regulation Counsel
Pfizer, Inc.
East 42nd Street
New York, New York 10017

Re: MUR 1524

Dear Mr. Goebelbecker:

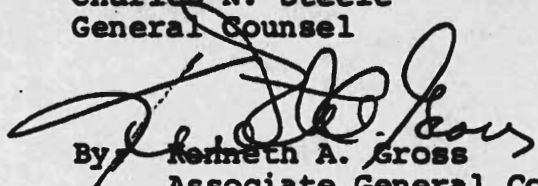
This is in reference to your letter dated August 18, 1983, requesting an additional extension of time until September 2, 1983, to respond to the Commission's notice that it has reason to believe that Pfizer, Inc. violated the Act.

The Office of General Counsel has reviewed your requests and grants you the additional week to respond. Therefore, your response is due Friday, September 2, 1983.

If you have any questions, please contact Judy Thedford at (202)523-4529.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

84040454668

RECEIVED AT THE FEC

Case # 670

83 AUG 23 10:05

33 AUG 24 12:08

GENERAL COUNSEL

PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

WILLIAM J. GOEBELBECKER
Senior Trade Regulation Counsel
(212) 173-2891

August 18, 1983

Ms. Judy Thedford
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1524

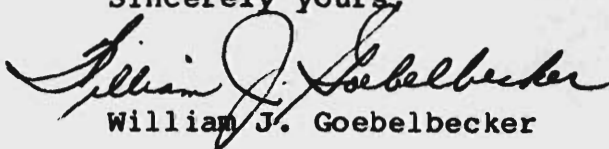
Dear Ms. Thedford:

This will confirm our telephone conversation of this date in which I asked that we be allowed one additional week, i.e. until September 2, 1983, to respond to the Commission's notice of July 21.

Our General Counsel returns to the office on August 22 after a two week absence, and I now find I must be out of the office August 22 through August 24. Under these circumstances, it would be extremely difficult to review our position and have our response reach you by August 26.

Your cooperation in granting this extension will be very much appreciated.

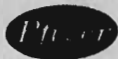
Sincerely yours,


William J. Goebelbecker

WJG/rg

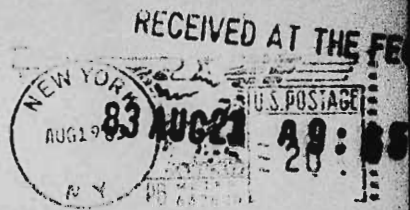
8404045469

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ZER INC., 235 EAST 42nd STREET, NEW YORK, N.Y. 10017

Ms. Judy Thedford
Federal Election Commission
Washington, D.C. 20463





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 12, 1983

William J. Goebelbecker
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

RE: MUR 1524

Dear Mr. Goebelbecker:

This is in reference to your request by phone on August 10, 1983, for an extension until August 26, 1983, to respond to the Commission's notice that reason to believe was found that Pfizer, Inc. violated the Act.

The Office of General Counsel has reviewed your request and grants you the additional time. Therefore, your response is due by Friday, August 26, 1983.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary L. Johansen", is written over the typed name.

Gary L. Johansen
Assistant General Counsel

84040454671

GC# 614

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 215
438-1451

TELECOPIER 215 438-1733

83 AUG 3 P 5: 02

OF COUNSEL
HERBERT M. HAFNER*

O. JACOB TALLMAN
(1928-1967)

HAROLD A. BUTZ
(1923-1969)

THEODORE J. ZELLER, JR.
(1900-1978)

ALSO ADMITTED IN
NEW YORK

AUG 4 ALL: 42

RECEIVED
GENERAL COUNSEL

WILLIAM S. HUDDERS
ROBERT S. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. PEDER
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUER III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
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EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK S. PROCVR
GILBERT J. NEGRETE, JR.
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

August 2, 1983

Lee Ann Elliott
Vice Chairman
Federal Election Commission
1325 "K" Street, N. W.
Washington, D. C. 20463

RE: MUR 1524

Dear Ms. Elliott:

I am in receipt of your letter of July 21, 1983. I trust that your office has reviewed the affidavit of Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee, which was forwarded to the Federal Election Commission by my letter of February 28, 1983.

As indicated in that affidavit, a request for assistance in recruiting volunteers was made by Congressman Ritter to an individual who was an employee of Pfizer. It was similiar to many other requests made to numerous individuals during the course of the campaign for assistance in recruiting volunteers. It contained no suggestion whatsoever that corporate postage or other resources be used. The committee was completely unaware that any corporate resources were employed for the benefit of the campaign until such time as we received a copy of the complaint. The Don Ritter for Congress Committee never "accepted" any corporate contributions. The committee was completely unaware of, and took no action to accept any, corporate contributions.

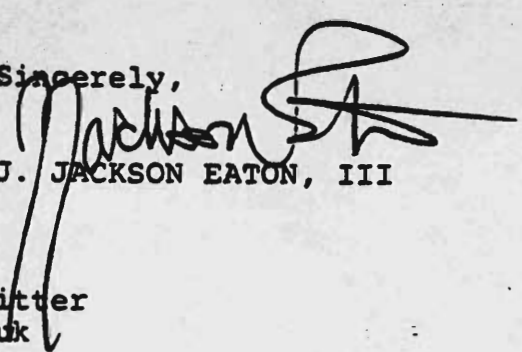
84040454672

Ms. Lee Ann Elliott
Page 2

84040454673

We believe that Federal Election Commission discussions with the personnel at Pfizer who are involved in this matter will show that the Don Ritter for Congress Committee had no knowledge that any corporate resources were being employed on behalf of the campaign.

Sincerely,


J. JACKSON EATON, III

JJE,III:ekp

cc: The Honorable Don Ritter
Mr. Jerome Kindrachuk

84040454674

BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL

ALLENTOWN, PENNSYLVANIA 18101-2488

Lee Ann Elliott
Vice Chairman
FEDERAL ELECTION COMMISSION
1325 "X" Street
Washington, D. C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524

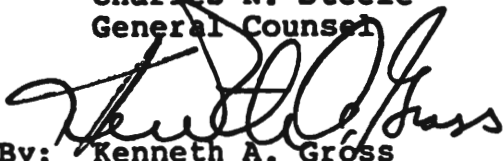
Dear Mr. Malkames:

On February 15, 1983, the Commission notified your client, Berger and Company, Inc, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Berger and Company, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

84040454675



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524

Dear Mr. Malkames:

On February 15, 1983, the Commission notified your client, Berger and Company, Inc, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Berger and Company, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

GA
7/19/83



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524

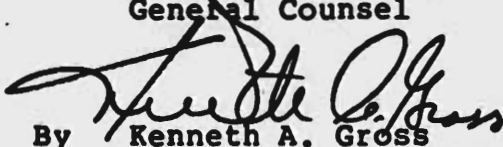
Dear Mr. Barkan:

On February 15, 1983, 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 July 19, 1983, determined that on the basis of the information in the complaint and information provided by you there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter as it pertains to you. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Barkan:

On February 15, 1983, 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 , 1983, determined that on the basis of the information in the complaint and information provided by you there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter as it pertains to you. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

840454678
7/19/83



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

Re: MUR 1524

Dear Mr. Eaton:

On February 16, 1983, the Commission notified your client, the Don Ritter For Congress Committee, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 19, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of the § 434(b)(5)(A) has been committed and reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 441b(a). Specifically, it appears that the Don Ritter For Congress Committee may have accepted a corporate contribution from Pfizer, Inc. in connection with the Committee's request to Pfizer, Inc. for volunteers to canvass Congressman Ritter's district.

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

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J. Jackson Eaton, III
Page Two

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 the matter to be made public.

If you have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,

Lee Ann Elliott
Lee Ann Elliott,
Vice Chairman

Enclosures Procedures

MAIL

POSTAGE WILL BE PAID BY ADDRESSEE

**NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES**

Return to: *Mr 1524 Uthmaniyah*

SEND NO MONEY ORDER TO:
Add your address in the "RETURN TO" space on reverse.

(DOMESTIC POSTMASTER PERMIT)

1. The following service is requested (check one).

☐ Show to whom and date delivered _____

☐ Show to whom, date, and address of delivery _____

2. ☒ RESTRICTED DELIVERY.
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE REFERRED TO:
*J. John Epton, III
77 R Hamilton Mall
Albany, New York 12211-2488*

4. TYPE OF SERVICE:

☐ REGISTERED ☐ INSURED

☐ CERTIFIED ☐ COD

☐ RETURN MAIL

ARTICLE NUMBER _____

(Stamp article signature of addressee or agent)

I have examined the article described above.

SIGNATURE: ☐ Addressee ☐ Authorized agent:
Doreen D. Gemini

DATE OF DELIVERY
7-25-83

5. ADDRESSEE'S ADDRESS (Not if registered)

7. UNABLE TO DELIVER REASON:

ALLTOWN, PA
FORWARDED BY
JUL 25 1983
NOTATION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

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The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of the § 434(b)(5)(A) has been committed and reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 441b(a). Specifically, it appears that the Don Ritter For Congress Committee may have accepted a corporate contribution from Pfizer, Inc. in connection with the Committee's request to Pfizer, Inc. for volunteers to canvass Congressman Ritter's district.

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J. Jackson Eaton, III
Page Two

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If you have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,

Enclosures
Procedures

J
7/19/83

84040454692



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

July 21, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William J. Goebelbecker
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Re: MUR 1524

Dear Mr. Goebelbecker:

On February 14, 1983, the Commission notified your clients, Erick Sweet and Pfizer, Inc., of a complaint alleging that they had violated certain section 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 July 19, 1983, determined that there is reason to believe that Pfizer, Inc. violated 2 U.S.C. § 441b(a), a provision of the Act. Specifically, it appears that if the letter prepared by Mr. Sweet is viewed as a partisan communication, it may have been sent to employees who do not qualify as stockholders, administrative and executive personnel and families. Furthermore, the Commission has concluded that for activity to be considered "individual volunteer activity" defined by 11 C.F.R. § 114.9, the impetus for the activity must originate with the employees involved. In this matter, it appears that the impetus for the activity was suggested by Pfizer, Inc. through the direction of Dr. Barr.

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

William J. Goebelbecker
Page Two

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.

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If you have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,

Lee Ann Elliott
Lee Ann Elliott,
Vice Chairman

Enclosures
Procedures

1524 *Westhark* 7-21-83

1. The following service is requested (check one): ☐ Show to whom and date delivered ☐ Show to whom, date, and address of delivery ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$	
2. ARTICLE ADDRESSED TO: <i>Wm Goebelbecker</i> <i>235 East 47th Street</i> <i>New York, New York 10017</i>	
3. TYPE OF SERVICE: ☐ REGISTERED ☐ REGISTERED MAIL ☐ REGISTERED MAIL ☐ REGISTERED MAIL	ARTICLE NUMBER
(Always obtain signature of addressee or agent) I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent	
4. DATE OF DELIVERY	POSTMARK
5. ADDRESSEE'S ADDRESS (if different)	
6. WHOLE TO DELIVER ORIGINATOR	7. EMPLOYEE'S INITIALS

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William J. Goebelbecker
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Re: MUR 1524

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William J. Goebelbecker
Page Two

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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 have any questions, please contact Judy Thedford, at (202) 523-4529.

Sincerely,

Enclosures
Procedures

JA
7/19/83

84040454696

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Don Ritter for Congress)
Berger and Company, Inc.)
Larry Barkan)
Pfizer, Inc.)
Erick Sweet)

MUR 1524

CERTIFICATION

I, Marjorie W. Emons, Recording Secretary of the Federal Election Commission Executive Session on July 19, 1983, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1524:

1. Find no reason to believe the Don Ritter for Congress Committee violated 2 U.S.C. §434(b) (5) (A).
2. Find no reason to believe Berger and Company, Inc. violated the Act.
3. Find no reason to believe Larry Barkan violated the Act.
4. Find reason to believe Pfizer, Inc. violated 2 U.S.C. §441b(a).
5. Find reason to believe the Don Ritter for Congress Committee violated 2 U.S.C. §441b(a).
6. Send the letter attached to the General Counsel's report dated July 8, 1983.

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

Attest:

7-19-83

Date

Marjorie W. Emons

Marjorie W. Emons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO:

CHARLES N. STEELE
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/JODY C. RANSOM *for*

DATE:

JULY 13, 1983

SUBJECT:

OBJECTIONS - MUR 1524 General Counsel's
Report signed July 8, 1983

The above-named document was circulated to the
Commission on Monday, July 11, 1983 at 11:00.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	<u>X</u>
Commissioner Elliott	<u>X</u>
Commissioner Harris	<u> </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>
Commissioner Reiche	<u> </u>

This matter will be placed on the Executive Session
agenda for Tuesday, July 19, 1983.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/JODY C. RANSOM *JCR*
DATE: JULY 11, 1983
SUBJECT: OBJECTION - MUR 1524 General Counsel's
Report signed July 8, 1983

The above-named document was circulated to the
Commission on Monday, July 11, 1983 at 11:00.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Reiche	_____

This matter will be placed on the Executive Session
agenda for Tuesday, July 19, 1983.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cal*
DATE: July 8, 1983
SUBJECT: MUR 1524 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []

24 Hour No Objection []
Sensitive []
Non-Sensitive []

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

83 JUL 8 P5: 11

In the Matter of)

Don Ritter For Congress)
Berger and Company, Inc.)
Larry Barkan)
Pfizer, Inc.)
Erick Sweet)

MUR 1524

GENERAL COUNSEL'S REPORT

I. SUMMARY OF ALLEGATIONS

On February 7, 1983, Richard Orloski filed a complaint with the Commission alleging that the Don Ritter For Congress Committee ("Ritter Committee") violated 2 U.S.C. § 434(b) and § 441b(a).

The alleged 2 U.S.C. § 434(b) violation centers around expenditures made by the Ritter Committee to Berger and Company, Inc. ("Berger"). In performing campaign services for the Ritter Committee, Berger hired and paid various vendors. None of the expenditures to the vendors were itemized by the Ritter Committee on its disclosure reports. Instead, the Ritter Committee just reported the expenditures made to Berger. Orloski states that this action bypasses the requirements of the Act and does not allow the public the opportunity to see how a campaign committee is spending its money. Orloski also claims that the bulk payments to Berger were used to hide a "dirty tricks operation." This operation involved Larry Barkan, who supposedly was hired by

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the Ritter Committee to take "unflattering" photographs of Orloski.

The 2 U.S.C. § 441b(a) violation centers around a mailing made by Pfizer, Inc. which is alleged to constitute an illegal corporate in-kind contribution to the Ritter Committee. Specifically, Orloski claims that Pfizer furnished a postage meter and materials which were used in mailing a flyer to individuals in the 15th congressional district. Those who received the flyer were asked to assist in Ritter's re-election. Orloski also alleges that a Pfizer employee, Erick Sweet, was authorized to spend corporate time on this project and that the project was in coordination with the Ritter Committee.

Letters were sent to the individuals named in the complaint notifying them of the filing of the complaint. Responses have been received from the Ritter Committee, Berger, Larry Barkan, Pfizer, Inc., and Erick W. Sweet.

II. LEGAL AND FACTUAL ANALYSIS

Reporting Violation

The reporting violation deals with payments made by a political committee to an advertising and public relations firm. The political committee, the Ritter Committee, reported its payments to the public relations firm, Berger and Company, Inc., on its disclosure reports. The complainant alleges that such reporting is inadequate as it does not disclose how the money was ultimately spent or who ultimately provided the service. The

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complainant states that the payments should be broken down further by either the Ritter Committee or Berger to show how Berger spent the money paid by the Ritter Committee.

2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(4)(i) describe the itemization of disbursements by authorized committees. Specifically, the reporting committee is required to report the name and address of each person to whom an expenditure is made in an aggregate amount of \$200 within a calendar year. The date, amount and purpose of the operating expenditure must also be reported. 11 C.F.R. § 104.3(b)(4)(i)(A) defines "purpose" as a:

brief statement or description of why the disbursement was made. Examples of statements or descriptions which meet the requirements of 11 C.F.R. § 104.3(b)(4) include the following: dinner expenses, media, salary, polling, travel, party fees, phone banks, travel expenses, travel expense reimbursement and catering costs. However, statements or descriptions such as "advance", "election day expenses", "other expenses", "expenses", "expense reimbursement", "miscellaneous", "outside services", "get-out-the-vote", and "voter registration" would not meet the requirements....

In reply to its receipt of the complaint, Berger and Company, Inc. states that all advertising and professional services provided to the Ritter Committee account were itemized category by category and line by line in detailed invoices delivered to the treasurer of the Ritter Committee. Berger also states that services provided to the Ritter Committee were performed in a manner that would apply to any client.

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Jerome Kindrachuk, treasurer of the Ritter Committee, submitted an affidavit in response to receipt of the complaint. Kindrachuk denied that expenditures made to Berger by the Ritter Committee were not appropriately reported. He stated that from his understanding of a phone call to the FEC and the FEC handbook, the Ritter Committee was to report the payments to Berger as they were made.

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The Ritter Committee reports disclose payments to Berger and Company, Inc. totalling \$67,457.68. The payments are reported for media consulting, media expenses, media services, and radio. These description statements meet the requirements set forth in 11 C.F.R. § 104.3(b)(4)(i)(A). As the evidence indicates, payments were made by the Ritter Committee to Berger, not to the individual media vendors identified in the complaint. Neither the Act nor the Regulations require further break down in the reporting of expenditures. Therefore, the Office of General Counsel recommends finding no reason to believe that the Ritter Committee violated 2 U.S.C. § 434(b)(5)(A).

The complainant also alleges that the "bulk payments" made by the Ritter Committee to Berger and Company were used to fund a "dirty tricks operation." Specifically, Mr. Orloski claims that Larry Barkan was hired by the Ritter Committee to take "unflattering" photographs of Mr. Orloski and that no expenditures were reported as being made to him. Mr. Barkan filed a response in reply to the filing of the complaint. He

indicated that he was employed by Berger and Company, Inc. to perform professional services for various accounts. It was through Berger that Mr. Barkan did photography for the Ritter Committee. All of Larry Barkan's services were invoiced to Berger and all payments were made to him by Berger.

Berger and Company, Inc., in its response, denies conducting any dirty tricks operation.

As previously noted, the Ritter Committee reported its payments (including the money which ultimately went to Larry Barkan for photographic services) to Berger and Company which was in compliance with the Act.

Illegal Corporate Contribution

Richard Orloski's second allegation concerns a mailing made by Pfizer, Inc. Enclosed with the complaint was a copy of a letter and an envelope. The letter signed by Erick Sweet requested volunteers to join the "Pfizer/Ritter 'Winning Team.'" The envelope was enclosed as proof of the use of corporate materials and a postage meter. Orloski states that Erick Sweet spent corporate time to prepare and gather the mailing list names and that the mailing was done in coordination with the Ritter Committee. It is alleged that this activity constitutes an illegal corporate in-kind contribution prohibited by 2 U.S.C. § 441b.

Both Pfizer and Erick Sweet responded to the allegation. The Pfizer response raises two defenses. The first defense is that the activity is a legal partisan communication defined in

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11 C.F.R. § 114.3. The second defense is that the activity could also be considered individual activity by employees as defined in 11 C.F.R. § 114.9.

Partisan Communications

11 C.F.R. § 114.3(a) states:

A corporation may make partisan communications in connection with a Federal election to its stockholders and executive or administrative personnel and their families.

11 C.F.R. § 114.3(b) requires that expenditures for partisan communications which expressly advocate the election of a clearly identified candidate be reported to the Commission if the costs exceed \$2,000 per election.

11 C.F.R. § 114.3(c) further describes the manner in which partisan communications may be made. Printed material may be distributed to corporate stockholders and executive or administrative personnel and their families provided:

1) that the material is produced at the expense of the corporation or the separate segregated fund; and,

2) that the material constitutes a communication of the corporation and is not a reproduction, in whole or part, of any campaign materials of the candidate.

Pfizer's response indicates that the mailing was done in response to a request from Congressman Ritter for volunteers. Specifically, Congressman Ritter phoned Dr. James Barr, Director of Research at the Easton facility, asking for volunteers to canvass the Congressman's district. Dr. Barr subsequently

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enlisted the assistance of Erick Sweet, the Research Personnel manager at the Easton facility.

Erick Sweet drafted the letter submitted by the complainant and mailed it to approximately 180 people at the Easton facility. The Pfizer response indicates that the 180 people consisted of 7 retirees (claimed to be stockholders at the time of mailing); 100 staff personnel (claimed to be exempt employees under the Fair Labor Standards Act and fall within the definition of executive and administrative personnel) and 73 research and laboratory technicians (claimed to fall within the definition of executive and administrative personnel). Pfizer also states that most if not all of these individuals are stockholders. Also, Pfizer states that the mailing expenses were well below the \$2,000 threshold for reporting such activity to the Commission.

The primary issue is whether the partisan communication was sent to a class of people outside the corporation's stockholders and executive or administrative personnel and families (See 11 C.F.R. § 114.3(a). Pfizer claims that further "investigation would show that, at the very least, a vast majority of the employees were stockholders ... when the letters were sent out." In support of the argument Pfizer notes its company program (i.e. stock option plans, investment plans, employee stock ownership plan) through which employees would be "stockholders." However, the Commission has not reached a decision as to whether employees under ESOP's are stockholders for purposes of the Act and Regulations. See Separate Opinion to A.O. 1977-49.

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As to the other issues, the regulations require that the material be produced at the expense of the corporation and not be a reproduction of any campaign material. Pfizer's response indicates that the employees recently reimbursed the company for the cost of stationery and postage, and that Erick Sweet authored the letter and as such it is not a reproduction, in whole or part, of any Ritter campaign materials.

Volunteer Activity

Alternately, Pfizer argues that the mailing could also be considered volunteer activity permitted under 11 C.F.R. § 114.9(a). 11 C.F.R. § 114.9(a) allows stockholders and corporate employees, ... to make occasional, isolated, or incidental use of the corporate facilities for individual volunteer activity in connection with a Federal election provided the corporation is reimbursed to the extent that the overhead or operating costs of the corporation are increased. Sections (i) and (iii) of this same regulation define "occasional, isolated and incidental use" as follows:

(i) When used by employees during working hours, an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work which that employee usually carries out during such work period; or

(iii) Any such activity which does not exceed one hour per week or four hours per month, regardless of whether the activity is undertaken during or after normal working hours, shall be considered as occasional, isolated, or incidental use of the corporate facilities.

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Pfizer states that the activity did not interfere with the employees' performance of normal assignments; no more than four man hours over a period of two weeks was spent on the mailing by four employees, and the employees recently reimbursed the company for the cost of the stationery and postage. Erick Sweet submitted an affidavit attesting to the facts mentioned above.

In other matters before the Commission (MUR 1314 and PM 92), the Commission has reviewed certain activity to determine if the activity constituted "individual volunteer activity" under 11 C.F.R. § 114.9. In those matters the Commission adopted the standard that in order for activity to constitute "individual volunteer activity" the impetus for the activity must originate with the employees. As the facts show, Congressman Ritter contacted Dr. Barr, Director of Research at the Easton facility of Pfizer, Inc., who then contacted Erick Sweet, who is the Research Personnel Manager at the Easton facility, who then performed the activity. This calls into question whether the activity of Mr. Sweet was really "individual volunteer activity" or was suggested by Pfizer, Inc. through the direction of Dr. Barr.

Conclusion

The Office of General Counsel recommends finding reason to believe that Pfizer, Inc. and Don Ritter for Congress violated 2 U.S.C. § 441b(a). The recommendation of reason to believe is being made in order to further investigate to whom the letter was sent and whether these individuals qualify as "stockholders, administrators, or executive personnel and families". Further,

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the investigation will seek to determine whether the activity of Mr. Sweet and the other Pfizer, Inc. employees was really "individual volunteer activity." As the Pfizer activity was initiated by and coordinated with the Ritter Committee, a reason to believe finding is being recommended against the Don Ritter for Congress Committee for its acceptance of a corporate contribution.

III. RECOMMENDATIONS

- 1) Find no reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 434(b)(5)(A).
- 2) Find no reason to believe Berger and Company, Inc. violated the Act.
- 3) Find no reason to believe Larry Barkan violated the Act.
- 4) Find reason to believe Pfizer, Inc. violated 2 U.S.C. § 441b(a).
- 5) Find reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 441b(a).
- 6) Send the attached letter.

Charles N. Steele
General Counsel

Date July 8, 1983

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

- I. Eaton Response
- II. Berger Response
- III. Barhan Response
- IV. Pfizer Response
- V. Letters

84040454700

CC# 9576
83 FEB 29 12:50

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 610
438-1461

TELECOPIER 610 438-1733

OF COUNSEL
HERBERT M. RAFFNER

G. JACOB TALLMAN
(1928-1987)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1906-1978)

*ALSO ADMITTED IN
NEW YORK

February 28, 1983

3 MAR 1 P 2:32

WILLIAM S. HUDDERS
ROBERT S. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. PEDOR
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCER III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK S. PROCIK
GILBERT J. NEGRETTE, JR.
JOSEPH A. BUSBA
DENNIS F. FEELY
JOSEPH A. HOURO

Kenneth A. Gross
Associate General Counsel
FEDERAL ELECTION COMMISSION
1325 K. Street, N.W.
Washington, DC 20463

Re: MUR 1524

Dear Mr. Gross:

Please be advised that I represent the Don Ritter for Congress Committee and am in receipt of your letter of February 10, 1983, along with the complaint filed by Mr. Richard Orloski.

Enclosed is the sworn affidavit of Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee which responds to the allegations of Mr. Orloski. The charges of violations of law are unfounded as the response will show.

If there is any further information you require, please advise us.

Sincerely,

J. JACKSON EATON, III

JJE, III:plp
enclosure

FEDERAL EXPRESS

ATTACHMENT I

①

I, Jerome Kindrachuk, as the Treasurer of the Don Ritter for Congress Committee.

Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania 18102, is an advertising and public relations firm with which the Don Ritter for Congress Committee contracted for advertising and other such media services. Each payment to Berger and Company was indicated on appropriate reports to the Federal Election Commission.

Prior to filing the questioned reports, I called the FEC to determine the manner of reporting such expenditures. My understanding from that conversation and from the handbook published by the FEC was that payments to advertising and public relations firms were to be reported to the FEC as made, and the Committee has done so.

The Don Ritter for Congress Committee at no time hired or made any payments to Mr. Larry Barkan as indicated in the Orloski letter. It is our understanding that he was engaged by Berger and Company, which company was responsible for providing media services to the Committee.

With regard to the Pfizer Company matter, neither the Committee or the Congressman requested the mailing described nor was anyone on the Committee aware of the content of the mailing or that it in fact had taken place. By telephone conversation, Congressman Ritter did request an individual who as an employee of Pfizer to assist in the campaign in recruiting volunteers. There was no suggestion of a mailing and there was never any request by the Committee or offer by any person that corporate postage or other resources be used in this matter. We specifically deny that this mailing was used for or resulted in any fund-raising.

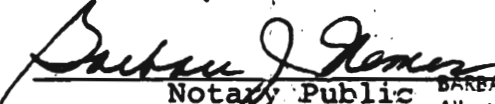
The Committee sincerely regrets the Pfizer incident. But it was one over which the Committee had no control and did not request.


Jerome Kindrachuk, Treasurer
Don Ritter for Congress Committee

Jerome Kindrachuk, being duly sworn according to law, deposes and says that he is Treasurer of the Don Ritter for Congress Committee and that as such is authorized to make this affidavit in its behalf and that the facts set forth above are true and correct to the best of his knowledge, information and belief.


Jerome Kindrachuk

Sworn to and subscribed before
me this 28th day of February, 1983


Notary Public
BARBARA J. NEMES, Notary Public
Allentown, Lehigh County, Pa.
My Commission Expires April 2, 1984

I

(2)

84040454702

BERGER and COMPANY, INC.
Advertising • Public Relations • Marketing

GCC 49613
83 MAR 3 P2:41

February 23, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Federal Election Commission
Washington, DC 20463

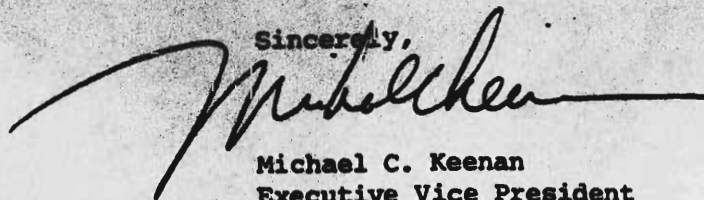
Attention: Judith Thedford

Dear Ms. Thedford:

Re: MUR 1524

Enclosed herewith is our response to the Commission letter dated February 10, 1983 re the above captioned matter, together with a statement authorizing counsel.

Sincerely,


Michael C. Keenan
Executive Vice President

MCK:sr

Enclosures

BERGER and COMPANY, INC.

Advertising • Public Relations • Marketing

February 25, 1983

Federal Election Commission
Washington, DC 20463

RE: MUR 1524

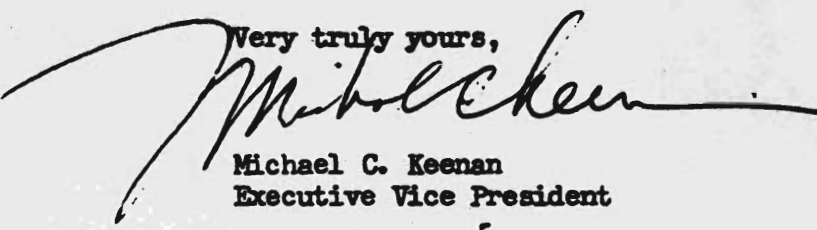
This letter will serve to acknowledge notification of a complaint received February 7, 1983 by the Federal Election Commission from one Richard J. Orloski which alleges that Berger and Company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended. Your letter to us dated February 10, with enclosures, is noted.

Expenditures made for advertising and professional services provided by Berger and Company, Inc., with respect to the Don Ritter for Congress Committee account were itemized category by category and line by line in detailed Berger and Company invoices delivered to the Treasurer of the Committee, Jerome Kindrachuk, CPA, in accordance with accepted accounting procedures prescribed by our own Certified Public Accounting counsel.

Services to the Committee were rendered in a manner that would apply to any client, whether institutional, corporate, charitable, or individual, who may engage our firm for professional services including advertising, public relations, market research, media evaluations and recommendations, media placement, art and production, et al. Berger and Company did not function as a political action committee, as alleged.

Complainant's allegation that Berger and Company employed "the mechanism" ... "to launder these expenditures" ... "for the dirty tricks operation" constitutes a defamatory and unwarranted reflection on the integrity and reputation of our firm.

Very truly yours,


Michael C. Keenan
Executive Vice President

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

83 MAR 22

P 3:58

2 PM:38

CCH 9605

LARRY BARKAN
PHOTOGRAPHER

47 SOUTH FOURTEENTH STREET
ALLENTOWN, PENNSYLVANIA 18102

215-437-5050

Re: MUR 1524

February 24, 1983

Dear Mr. Gross:

This is a response to your letter of February 10, 1983
and the letter of Richard Orloski which you enclosed.

I am a professional photographer. I have been engaged
from time to time by Berger & Company to perform professional
services related to their various accounts. In this fashion
during the past year I performed photographic services for
Berger & Company with regard to its client, the Don Ritter
for Congress committee and his family. This work involved
photographing Ritter, volunteers, senior citizens, and
public events at which many candidates appeared.

All my services were invoiced to Berger & Company and all
payments were made to me by check of Berger and Company.

Yours truly,

Larry Barkan
Larry Barkan

ATTACHMENT III

(5)

84040454709

RECEIVED - THE FCC
GCM #9615
83 MAR 3 PG: 42



PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

WILLIAM J. GOEBELBECKER
Senior Trade Regulation Counsel
(212) 573-2881

February 28, 1983

3 MAR 3 P3:15

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524

This letter is in response to your two letters dated February 10, 1983, one addressed to our Company and the other to Mr. Erick W. Sweet at our Easton, Pennsylvania location. Mr. Sweet has authorized me to represent him in this matter, as has Pfizer Inc., and enclosed are Statements of Designation of Counsel executed by both parties. Also enclosed is an affidavit executed by Mr. Sweet.

Richard Orloski was the candidate who unsuccessfully attempted in November, 1982 to unseat the incumbent Congressman, Donald Ritter, in the Fifteenth District of Pennsylvania. Mr. Orloski's allegations as to Pfizer's role in that election, which begin on the third page of his letter to the Commission dated January 31, 1983, are inaccurate in a number of respects, and his conclusion that the corporation made illegal in-kind contributions is not supported by the facts.

The events as they occurred are set forth below for your consideration. In mid-September, 1982, Dr. James Barr, Director of Research at our Easton location, received a telephone call from Congressman Ritter asking whether any Pfizer white collar employees or their families might wish to volunteer to help canvass the district on Mr. Ritter's behalf. Because the number of persons to be contacted was so high, direct personal

ATTACHMENT IV

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contact was impractical and Dr. Barr enlisted the assistance of Erick Sweet, the Research Personnel Manager at the Easton facility. Mr. Sweet composed the letter cited in the complaint, and arranged to mail it to approximately 180 persons in the vicinity of the Easton facility. (No record of addressees was made because of the haste to get out the mailing as well as the informal nature of the project.) These persons consisted of approximately seven retired employees and an estimated 173 employees whom we regard as executive or administrative employees as defined by 11 CFR 114.1(c). Approximately 73 of these were research and laboratory technicians. The letter was typed and duplicated by Mr. Sweet's secretary, who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and deposited them in the mail.

A total of four affirmative responses were received as a result of this mailing. The names and telephone numbers of the volunteers were given by phone to Congressman Ritter's campaign office, but to our knowledge none of the persons was ever contacted or asked to assist in any manner. At no time did any of the Pfizer personnel involved in this incident ask these volunteers, or any of the other persons to whom the letter was mailed, to contribute funds to Mr. Ritter's campaign.

It is the corporation's policy to keep its employees informed on legislative and political matters, and to encourage them to participate in the political process by voting and assisting in the election of candidates that they favor. It goes without saying, of course, that the Company makes every effort to assure its activities are conducted in accordance with federal, state and local laws, and our employees similarly intend to comply with all legal requirements. If employees propose to undertake any activities on behalf of the Company, as opposed to individual volunteer work, we expect them to check in advance with our New York headquarters. The several employees who participated in this mailing regarded it as a volunteer effort on their part, not requiring any corporate approval or guidance.

Our review indicates that these activities did not represent a violation of the federal election laws. The mailing described above can be regarded as a partisan communication permitted under 2 USC 441b.(b)(2)(A) or, in the alternative, it can be considered employee volunteer activities allowed under 11 CFR 114.9(a).

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Partisan Communication

We will assume for the purpose of discussion that the mailing, although not approved by corporate headquarters, was a communication on behalf of the corporation. 2 USC 441b.(b)(2)(A) allows a corporation to send communications on any subject to its shareholders and to its executive or administrative personnel and their families. 11 CFR 114.3 of the Commission's regulations provides that a partisan communication must not be a simple reproduction of the candidate's campaign material, and the costs of a communication expressly advocating the election of a clearly identified candidate must be reported to the Commission if they exceed \$2,000 per election. Since Pfizer personnel composed the letter in question, and since the costs were far less than \$2,000, these additional requirements do not apply.

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The target audience for volunteers was executives and white collar workers, and the mailing was sent to approximately seven retirees, all of whom were Pfizer stockholders when the mailing took place; 100 staff personnel who are "exempt" employees under the Fair Labor Standards Act and fall within the Commission's definition of executive or administrative personnel; and to 73 research and laboratory technicians selected because of their scientific or technical status. We believe this latter group also meets the Commission's definition of executive or administrative personnel. The scientific knowledge required by the scientific and technical personnel is of an advanced type beyond the high school level in the field of the physical or biological sciences; approximately two-thirds have associate or bachelor of science degrees, and a number of others are working toward such degrees. They perform various routine and non-routine chemical and physical evaluations of new processes, materials and finished products. This requires a variety of calculations, interpretations of data, and a knowledge of both testing and calculating equipment. These research and laboratory technicians are paid on a salary basis, with pay ranging between \$330 and \$637 per week.

Beyond this, we believe that virtually all employees to whom the mailing was sent are Pfizer stockholders as the result of their participation in one or more programs offered by the Company. The corporation has a stock option plan under which options to purchase Pfizer stock are offered to all employees. Our Company also provides a Savings Plan which is available to all employees as soon as they join the Company. There are three investment choices for the individual, one of which is

TD 8

Pfizer stock. The Company matches up to six percent of the employee's contribution with shares of Pfizer stock. Beyond this, we also offer an Employee Stock Ownership Plan whereby employees are eligible to be credited with shares of Pfizer stock after they have been employed for a year. We have not in the short time available determined the stockholder status of all employee recipients of the mailing under one or both of these plans. However, we are quite certain that investigation would show that, at the very least, a vast majority of the employees were stockholders in September, 1982 when the letters were sent out.

In summary, the mailing, if attributed to the Company, can be considered a partisan communication directed solely to stockholders and their families (including retirees and present employees), or to retiree stockholders and to executive or administrative employees. As such, the mailing was completely in accordance with 2 USC 441b.(b)(2)(A) and 11 CFR 114.3.

Volunteer Activities

In the alternate, however, the mailing and surrounding events can be considered volunteer activities permitted under 11 CFR 114.9(a). Under this provision an employee of a corporation is allowed to make occasional, isolated or incidental use of his employer's facilities for his individual volunteer activity in connection with a federal election. He is required to reimburse the corporation to the extent that the overhead or operating costs of the corporation are increased. "Occasional, isolated or incidental use" is defined generally to mean an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work he would usually carry out during the work period, but in any event activity which does not exceed one hour per week or four hours per month is considered as occasional, isolated or incidental. An employee who makes more than occasional, isolated or incidental use of a corporation's facilities is required to reimburse the corporation for the normal and usual charge.

In the instant case, the individuals' volunteer activities in no way interfered with their performing their normal assignments. The four employees involved in the drafting, typing, duplicating and mailing of the letter, and the subsequent receipt of responses, spent no more than four man-hours over

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a period of about two weeks. Thus, the volunteer activities clearly fall within the guidelines of Section 114.9(a).

There were, of course, nominal costs incurred for stationery and postage. Although we feel the entire incident can be justified as a permissible partisan communication, the employees involved have reimbursed the Company for the cost of the stationery and postage.

In conclusion, we believe the challenged mailing can be justified as either a lawful partisan communication, or as permitted voluntary employee activities simply requiring reimbursement to the Company of the nominal costs incurred. The employees involved have been made aware of the importance of obtaining prior review of such activities by our corporate headquarters, and we plan to remind our employees at all locations of the necessity of their scrupulous attention to the legal requirements of all campaign-related endeavors. We certainly see no reason for any additional action by the Commission.

Please let us know if you have questions concerning this matter.

Very truly yours,


William J. Goebelbecker

WJG/rg

Enclosures

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FEDERAL ELECTION COMMISSION

MUR 1524

AFFIDAVIT OF ERICK W. SWEET

COMMONWEALTH OF PENNSYLVANIA)

) ss.

COUNTY OF NORTHAMPTON)

Erick W. Sweet, residing at 494 Arthurs Court, Nazareth, PA 18064
—being duly sworn, deposes and says:

1. From March, 1981 to the present date I have been Research Personnel Manager at the Easton, Pennsylvania facility of Pfizer Inc.
2. In mid-September, 1982, I was asked by Dr. James Barr, Director of Research at the same location, if I would help enlist Pfizer volunteers to canvass the Easton area on behalf of the incumbent Congressman, Donald Ritter.
3. I drafted a letter, dated September 20, 1982, to be mailed to a number of employees and retired employees of the Easton facility. I asked my secretary to type and duplicate the letter and place the copies in envelopes. The letters were brought to a clerk at the same facility who fed them through the Pfizer postage meter and placed them in the U.S. mail.
4. I selected the persons to whom the letter was to be mailed. To the best of my knowledge the letter was mailed to approximately 173 employees regarded as executive and administrative and professional personnel, and to seven retired employees. No record was maintained as to which persons were sent the letter.

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5. Four affirmative responses to this mailing were received. I conveyed the four names and addresses to Congressman Ritter's office, but to my knowledge these persons were never subsequently asked to work or otherwise contacted.

6. I did not ask the recipients of the letter of September 20, 1982 to contribute funds to help the campaign of Congressman Ritter, nor am I aware of any other person connected with Pfizer doing so.

7. I estimate that the total amount of time devoted to this project by Dr. Barr, myself, my secretary and the mail clerk was not more than four hours.

Erick W. Sweet

Erick W. Sweet

Subscribed and sworn to before me this 25th day of February, 1983.

Barbara Kusnietz

Notary Public

Notary Public, Easton, Northampton County
My Commission Expires August 13, 1985

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34040454712



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William J. Goebelbecker
Senior Trade Regulation Counsel
Pfizer, Inc.
235 East 42nd Street
New York, New York 10017

Re: MUR 1524

Dear Mr. Goebelbecker:

On February 14, 1983, the Commission notified your clients, Erick Sweet and Pfizer, Inc., of a complaint alleging that they had violated certain section 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 , 1983, determined that there is reason to believe that Pfizer, Inc. violated 2 U.S.C. § 441b(a), a provision of the Act. Specifically, it appears that if the letter prepared by Mr. Sweet is viewed as a partisan communication, it may have been sent to employees who do not qualify as stockholders, administrative and executive personnel and families. Furthermore, the Commission has concluded that for activity to be considered "individual volunteer activity" defined by 11 C.F.R. § 114.9, the impetus for the activity must originate with the employees involved. In this matter, it appears that the impetus for the activity was suggested by Pfizer, Inc. through the direction of Dr. Barr.

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

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William J. Goebelbecker
Page Two

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 the matter to be made public.

If you have any questions, please contact Judy Thedford, at (202)523-4529.

Sincerely,

Enclosures
Procedures

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(14)

84040454714



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Barkan
47 South Fourteenth Street
Allentown, Pennsylvania 18102

Re: MUR 1524

Dear Mr. Barkan:

On February 15, 1983, 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 , 1983, determined that on the basis of the information in the complaint and information provided by you there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter as it pertains to you. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

V

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84040454715



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William G. Malkames, Esq.
509 Linden Street
Allentown, Pennsylvania 18101

Re: MUR 1524

Dear Mr. Malkames:

On February 15, 1983, the Commission notified your client, Berger and Company, Inc, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by Berger and Company, Inc. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

IV

(16)

84040454716



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2688

Re: MUR 1524

Dear Mr. Eaton:

On February 16, 1983, the Commission notified your client, the Don Ritter For Congress Committee, of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of the § 434(b)(5)(A) has been committed and reason to believe the Don Ritter For Congress Committee violated 2 U.S.C. § 441b(a). Specifically, it appears that the Don Ritter For Congress Committee may have accepted a corporate contribution from Pfizer, Inc. in connection with the Committee's request to Pfizer, Inc. for volunteers to canvass Congressman Ritter's district.

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

[Handwritten mark]

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J. Jackson Eaton, III
Page Two

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 the matter to be made public.

If you have any questions, please contact Judy Thedford, at (202)523-4529.

Sincerely,

Enclosures
Procedures

8 1 0 4 0 4 5 4 7 1 8

V

(18)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS/JAN SAVAGE 48
DATE: MARCH 30, 1983
SUBJECT: MUR 1524 - First General Counsel's
Report dated March 28, 1983

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, March 29, 1983.

There were no objections to the First General Counsel's Report at the time of the deadline.

81040454719



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *DJK*
DATE: March 28, 1983
SUBJECT: MUR 1524 - 1st GC Rpt

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote []
Sensitive []
Non-Sensitive []

24 Hour No Objection [*✓*]
Sensitive [*✓*]
Non-Sensitive []

Information [*✓*]
Sensitive [*✓*]
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [*✓*]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []

On yellow paper please

84040454720

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

83 MAR 28 P 2: 07

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 3-28-83

MUR 1524
DATE COMPLAINT RECEIVED
BY OGC: 02/07/83
DATE OF NOTIFICATION TO
RESPONDENT: 02/10/83
STAFF MEMBER: Judy Thedford

COMPLAINT'S NAME: Richard J. Orloski

RESPONDENT'S NAME: Don Ritter For Congress, Berger and
Company, Inc, Larry Barkan, Pfizer, Inc.
Erick Sweet

RELEVANT STATUTE: 2 U.S.C. §§ 434(b), 441b(a)
11 C.F.R. § 104.3(b)(4)(i),

INTERNAL REPORTS CHECKED: Don Ritter For Congress

FEDERAL AGENIES CHECKED: N/A

SUMMARY OF ALLEGATIONS

On February 7, 1983, Richard Orloski filed a complaint with the Commission alleging that the Don Ritter For Congress Committee ("Ritter Committee") violated 2 U.S.C. § 434(b) and § 441b(a).

The alleged 2 U.S.C. § 434(b) violation centers around expenditures made by the Ritter Committee to Berger and Company, Inc. ("Berger"). In performing campaign services for the Ritter Committee, Berger hired and paid various vendors. None of the expenditures to the vendors were itemized by the Ritter Committee

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on its disclosure reports. Instead, the Ritter Committee just reported the expenditures made to Berger. Orloski states that this action bypasses the requirements of the Act and does not allow the public the opportunity to see how a campaign committee is spending its money. Orloski also claims that the bulk payments to Berger were used to hide a "dirty tricks operation." This operation involved Larry Barkan, who supposedly was hired by the Ritter Committee to take "unflattering" photographs of Orloski.

The alleged 2 U.S.C. § 441b(a) violation centers around a mailing made by Pfizer Inc. which is alleged to constitute an illegal corporate in-kind contribution to the Ritter Committee. Specifically, Orloski claims that Pfizer furnished a postage meter and materials which were used in mailing a flyer to individuals in the 15th congressional district. Those who received the flyer were asked to assist in Ritter's re-election. Orloski also alleges that a Pfizer employee, Erick Sweet, was authorized to spend corporate time on this project and that the project was in coordination with the Ritter Committee.

Letters were sent to the individuals named in the complaint notifying them of the filing of the complaint. Responses have been received from the Ritter Committee, Berger, Larry Barkan, Pfizer, and Erick W. Sweet.

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Due to the complexity of this matter, no recommendations are being made to the Commission in this report. Specifically, the issue involving how political committees are to report expenditures to consulting firms, which in turn hire other vendors to provide services, needs further analysis and coordination within the Office of General Counsel. A report with appropriate recommendations will be furnished to the Commission within the next two weeks.

Charles N. Steele
General Counsel

March 25, 1983
Date

BY:

Kenneth A. Gross
Associate General Counsel

84040454723

BERGER and COMPANY, INC.
Advertising • Public Relations • Marketing

RECEIVED 5:10 PM 1983
GCC#9613
89 MAR 3 P2:41

February 23, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Federal Election Commission
Washington, DC 20463

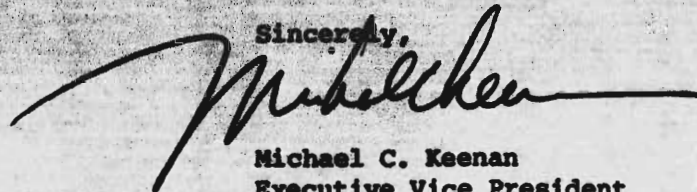
Attention: Judith Thedford

Dear Ms. Thedford:

Re: MUR 1524

Enclosed herewith is our response to the Commission letter dated February 10, 1983 re the above captioned matter, together with a statement authorizing counsel.

Sincerely,



Michael C. Keenan
Executive Vice President

MCK:sr

Enclosures

RECEIVED
GENERAL COUNSEL
89 MAR 3 P3:13

84040454724

BERGER and COMPANY, INC.
Advertising • Public Relations • Marketing

February 25, 1983

Federal Election Commission
Washington, DC 20463

RE: MUR 1524

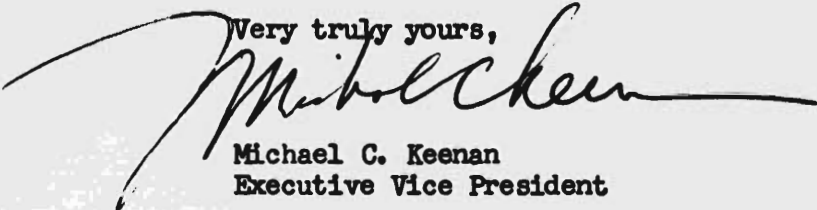
This letter will serve to acknowledge notification of a complaint received February 7, 1983 by the Federal Election Commission from one Richard J. Orloski which alleges that Berger and Company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended. Your letter to us dated February 10, with enclosures, is noted.

Expenditures made for advertising and professional services provided by Berger and Company, Inc., with respect to the Don Ritter for Congress Committee account were itemized category by category and line by line in detailed Berger and Company invoices delivered to the Treasurer of the Committee, Jerome Kindrachuk, CPA, in accordance with accepted accounting procedures prescribed by our own Certified Public Accounting counsel.

Services to the Committee were rendered in a manner that would apply to any client, whether institutional, corporate, charitable, or individual, who may engage our firm for professional services including advertising, public relations, market research, media evaluations and recommendations, media placement, art and production, et al. Berger and Company did not function as a political action committee, as alleged.

Complainant's allegation that Berger and Company employed "the mechanism" ... "to launder these expenditures" ... "for the dirty tricks operation" constitutes a defamatory and unwarranted reflection on the integrity and reputation of our firm.

Very truly yours,


Michael C. Keenan
Executive Vice President

STATEMENT OF DESIGNATION OF COUNSEL

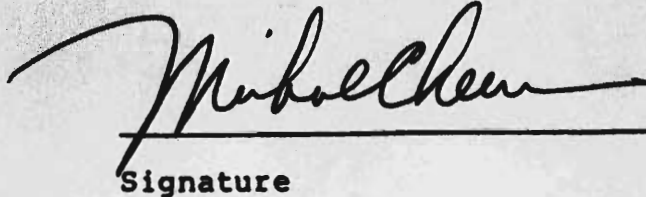
83 MAR 3 P2: 12

Re: MUR 1524NAME OF COUNSEL: William G. Malkames, Esq.,ADDRESS: 509 Linden Street
Allentown, PA 18101TELEPHONE: 215/821-8327

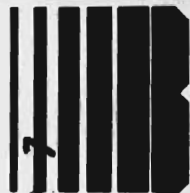
The above-named individual is hereby designated as ^{our} my
counsel and is authorized to receive any notifications and other
communications from the Commission and to act on ^{our} my behalf before
the Commission.

February 23, 1983

Date


SignatureNAME: Michael C. KeenanMichael C. Keenan
Executive Vice President
Berger and Company, Inc.ADDRESS: 546 Hamilton Street
P. O. Box 1111
Allentown, PA 18105HOME PHONE: 215/820-9280BUSINESS PHONE: 215/435-9687

84040454726



BERGER and COMPANY, INC.

Advertising • Public Relations • Marketing

B & B Building • 546 Hamilton Street • Box 1111
Allentown, Pennsylvania 18105

CERTIFIED

Pc 376 696 881

MAIL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Federal Election Commission
Washington, DC 20463

Attn: Judith Thedford

RECEIVED BY THE FEC



83 MAR 3

P2:42

5155

204185

RECEIVED at THE FEB
GCC #9615
83 MAR 3 PE: 48

PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N. Y. 10017

WILLIAM J. GOEBELDECKER
Senior Trade Regulation Counsel
(212) 573-2881

13 MAR 3 P3:15

GENERAL COUNSEL

February 28, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1524

This letter is in response to your two letters dated February 10, 1983, one addressed to our Company and the other to Mr. Erick W. Sweet at our Easton, Pennsylvania location. Mr. Sweet has authorized me to represent him in this matter, as has Pfizer Inc., and enclosed are Statements of Designation of Counsel executed by both parties. Also enclosed is an affidavit executed by Mr. Sweet.

Richard Orloski was the candidate who unsuccessfully attempted in November, 1982 to unseat the incumbent Congressman, Donald Ritter, in the Fifteenth District of Pennsylvania. Mr. Orloski's allegations as to Pfizer's role in that election, which begin on the third page of his letter to the Commission dated January 31, 1983, are inaccurate in a number of respects, and his conclusion that the corporation made illegal in-kind contributions is not supported by the facts.

The events as they occurred are set forth below for your consideration. In mid-September, 1982, Dr. James Barr, Director of Research at our Easton location, received a telephone call from Congressman Ritter asking whether any Pfizer white collar employees or their families might wish to volunteer to help canvass the district on Mr. Ritter's behalf. Because the number of persons to be contacted was so high, direct personal

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contact was impractical and Dr. Barr enlisted the assistance of Erick Sweet, the Research Personnel Manager at the Easton facility. Mr. Sweet composed the letter cited in the complaint, and arranged to mail it to approximately 180 persons in the vicinity of the Easton facility. (No record of addressees was made because of the haste to get out the mailing as well as the informal nature of the project.) These persons consisted of approximately seven retired employees and an estimated 173 employees whom we regard as executive or administrative employees as defined by 11 CFR 114.1(c). Approximately 73 of these were research and laboratory technicians. The letter was typed and duplicated by Mr. Sweet's secretary, who then placed them in envelopes. A clerk ran the letters through the Company's postage meter and deposited them in the mail.

A total of four affirmative responses were received as a result of this mailing. The names and telephone numbers of the volunteers were given by phone to Congressman Ritter's campaign office, but to our knowledge none of the persons was ever contacted or asked to assist in any manner. At no time did any of the Pfizer personnel involved in this incident ask these volunteers, or any of the other persons to whom the letter was mailed, to contribute funds to Mr. Ritter's campaign.

It is the corporation's policy to keep its employees informed on legislative and political matters, and to encourage them to participate in the political process by voting and assisting in the election of candidates that they favor. It goes without saying, of course, that the Company makes every effort to assure its activities are conducted in accordance with federal, state and local laws, and our employees similarly intend to comply with all legal requirements. If employees propose to undertake any activities on behalf of the Company, as opposed to individual volunteer work, we expect them to check in advance with our New York headquarters. The several employees who participated in this mailing regarded it as a volunteer effort on their part, not requiring any corporate approval or guidance.

Our review indicates that these activities did not represent a violation of the federal election laws. The mailing described above can be regarded as a partisan communication permitted under 2 USC 441b.(b)(2)(A) or, in the alternative, it can be considered employee volunteer activities allowed under 11 CFR 114.9(a).

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Partisan Communication

We will assume for the purpose of discussion that the mailing, although not approved by corporate headquarters, was a communication on behalf of the corporation. 2 USC 441b.(b)(2)(A) allows a corporation to send communications on any subject to its shareholders and to its executive or administrative personnel and their families. 11 CFR 114.3 of the Commission's regulations provides that a partisan communication must not be a simple reproduction of the candidate's campaign material, and the costs of a communication expressly advocating the election of a clearly identified candidate must be reported to the Commission if they exceed \$2,000 per election. Since Pfizer personnel composed the letter in question, and since the costs were far less than \$2,000, these additional requirements do not apply.

The target audience for volunteers was executives and white collar workers, and the mailing was sent to approximately seven retirees, all of whom were Pfizer stockholders when the mailing took place; 100 staff personnel who are "exempt" employees under the Fair Labor Standards Act and fall within the Commission's definition of executive or administrative personnel; and to 73 research and laboratory technicians selected because of their scientific or technical status. We believe this latter group also meets the Commission's definition of executive or administrative personnel. The scientific knowledge required by the scientific and technical personnel is of an advanced type beyond the high school level in the field of the physical or biological sciences; approximately two-thirds have associate or bachelor of science degrees, and a number of others are working toward such degrees. They perform various routine and non-routine chemical and physical evaluations of new processes, materials and finished products. This requires a variety of calculations, interpretations of data, and a knowledge of both testing and calculating equipment. These research and laboratory technicians are paid on a salary basis, with pay ranging between \$330 and \$637 per week.

Beyond this, we believe that virtually all employees to whom the mailing was sent are Pfizer stockholders as the result of their participation in one or more programs offered by the Company. The corporation has a stock option plan under which options to purchase Pfizer stock are offered to all employees. Our Company also provides a Savings Plan which is available to all employees as soon as they join the Company. There are three investment choices for the individual, one of which is

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Pfizer stock. The Company matches up to six percent of the employee's contribution with shares of Pfizer stock. Beyond this, we also offer an Employee Stock Ownership Plan whereby employees are eligible to be credited with shares of Pfizer stock after they have been employed for a year. We have not in the short time available determined the stockholder status of all employee recipients of the mailing under one or both of these plans. However, we are quite certain that investigation would show that, at the very least, a vast majority of the employees were stockholders in September, 1982 when the letters were sent out.

In summary, the mailing, if attributed to the Company, can be considered a partisan communication directed solely to stockholders and their families (including retirees and present employees), or to retiree stockholders and to executive or administrative employees. As such, the mailing was completely in accordance with 2 USC 441b.(b)(2)(A) and 11 CFR 114.3.

Volunteer Activities

In the alternate, however, the mailing and surrounding events can be considered volunteer activities permitted under 11 CFR 114.9(a). Under this provision an employee of a corporation is allowed to make occasional, isolated or incidental use of his employer's facilities for his individual volunteer activity in connection with a federal election. He is required to reimburse the corporation to the extent that the overhead or operating costs of the corporation are increased. "Occasional, isolated or incidental use" is defined generally to mean an amount of activity during any particular work period which does not prevent the employee from completing the normal amount of work he would usually carry out during the work period, but in any event activity which does not exceed one hour per week or four hours per month is considered as occasional, isolated or incidental. An employee who makes more than occasional, isolated or incidental use of a corporation's facilities is required to reimburse the corporation for the normal and usual charge.

In the instant case, the individuals' volunteer activities in no way interfered with their performing their normal assignments. The four employees involved in the drafting, typing, duplicating and mailing of the letter, and the subsequent receipt of responses, spent no more than four man-hours over

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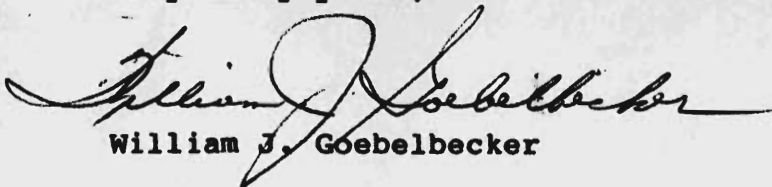
a period of about two weeks. Thus, the volunteer activities clearly fall within the guidelines of Section 114.9(a).

There were, of course, nominal costs incurred for stationery and postage. Although we feel the entire incident can be justified as a permissible partisan communication, the employees involved have reimbursed the Company for the cost of the stationery and postage.

In conclusion, we believe the challenged mailing can be justified as either a lawful partisan communication, or as permitted voluntary employee activities simply requiring reimbursement to the Company of the nominal costs incurred. The employees involved have been made aware of the importance of obtaining prior review of such activities by our corporate headquarters, and we plan to remind our employees at all locations of the necessity of their scrupulous attention to the legal requirements of all campaign-related endeavors. We certainly see no reason for any additional action by the Commission.

Please let us know if you have questions concerning this matter.

Very truly yours,



William J. Goebelbecker

WJG/rg

Enclosures

84040454732

FEDERAL ELECTION COMMISSION
MUR 1524

AFFIDAVIT OF BRICK W. SWEET

COMMONWEALTH OF PENNSYLVANIA)

) ss. Brick W. Sweet

COUNTY OF NORTHAMPTON)

Brick W. Sweet, residing at 494 Arthurs Court, Nazareth, PA 18064
being duly sworn, deposes and says:

1. From March, 1981 to the present date I have been Research
Personnel Manager at the Easton, Pennsylvania facility of Pfizer Inc.

2. In mid-September, 1982, I was asked by Dr. James Barr, Director of
Research at the same location, if I would help enlist Pfizer volunteers to
canvass the Easton area on behalf of the incumbent Congressman, Donald
Ritter.

3. I drafted a letter, dated September 20, 1982, to be mailed to a
number of employees and retired employees of the Easton facility. I asked my
secretary to type and duplicate the letter and place the copies in envelopes.
The letters were brought to a clerk at the same facility who fed them through
the Pfizer postage meter and placed them in the U.S. mail.

4. I selected the persons to whom the letter was to be mailed. To
the best of my knowledge the letter was mailed to approximately 173 employees
regarded as executive and administrative and professional personnel, and to
seven retired employees. No record was maintained as to which persons were
sent the letter.

5. Four affirmative responses to this mailing were received. I conveyed the four names and addresses to Congressman Ritter's office, but to my knowledge these persons were never subsequently asked to work or otherwise contacted.

6. I did not ask the recipients of the letter of September 20, 1982 to contribute funds to help the campaign of Congressman Ritter, nor am I aware of any other person connected with Pfizer doing so.

7. I estimate that the total amount of time devoted to this project by Dr. Barr, myself, my secretary and the mail clerk was not more than four hours.

Erick W. Sweet

Erick W. Sweet

Subscribed and sworn to before me this 25th day of February, 1983.

Barbara Kusumetter

Notary Public

Notary Public, Easton, Northampton County
My Commission Expires August 13, 1985



84040454734

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 1524

NAME OF COUNSEL: William J. Goebelbecker
ADDRESS: Pfizer Inc.
235 East 42nd Street
New York, N.Y. 10017
TELEPHONE: (212) 573-2891

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.

2/14/83
Date

Erick W. Sweet
Signature

NAME: Erick W. Sweet
ADDRESS: MPM Division
Pfizer Inc.
640 North 13th Street
Easton, Penna. 18042
HOME PHONE: (215) 759-6288
BUSINESS PHONE: (215) 253-6261

84040454735

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 1524

NAME OF COUNSEL: William J. Goebelbecker

ADDRESS: Pfizer Inc.
235 East 42nd Street
New York, N.Y. 10017

TELEPHONE: (212) 573-2891

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.

2/24/83

Date

Signature

Terence J. Gallagher
Assistant Secretary

NAME: Terence J. Gallagher

ADDRESS: Pfizer Inc.
235 East 42nd Street
New York, N.Y. 10017

HOME PHONE:

BUSINESS PHONE: (212) 573-3273

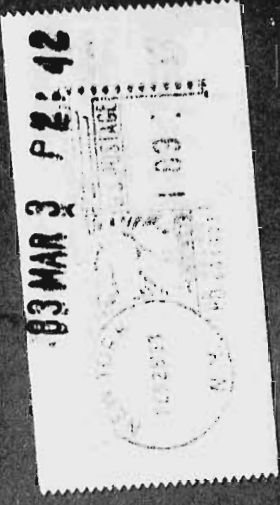
81040454736

88001

84040454737



PFIZER INC., 235 EAST 42nd STREET, NEW YORK, N.Y. 10017



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463





**LARRY BARKAN
PHOTOGRAPHER**

47 SOUTH FOURTEENTH STREET
ALLENTOWN, PENNSYLVANIA 18102

215-437-5050

204177
RECEIVED BY THE EEO
CCH 9605
83 MAR 8 10 30
MAR 2 10 30
Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1524

February 24, 1983

Dear Mr. Gross:

This is a response to your letter of February 10, 1983
and the letter of Richard Orloski which you enclosed.

I am a professional photographer. I have been engaged
from time to time by Berger & Company to perform professional
services related to their various accounts. In this fashion
during the past year I performed photographic services for
Berger & Company with regard to its client, the Don Ritter
for Congress committee and his family. This work involved
photographing Ritter, volunteers, senior citizens, and
public events at which many candidates appeared.

All my services were invoiced to Berger & Company and all
payments were made to me by check of Berger and Company.

Yours truly,

Larry Barkan
Larry Barkan

00440454730

5 4 3 9



LARRY BARKAN
PHOTOGRAPHER

47 SOUTH FOURTEENTH STREET
ALLENTOWN, PENNSYLVANIA 18102



83

MAR 2

10:00 PM

Science & Industry
Class

COCA 9576
88 FEB 29 AM: 50

LAW OFFICES
BUTZ, HUDDERS & TALLMAN

740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

AREA CODE 610
438-1481

TELECOMPER 218 438-1733

OF COUNSEL
HERBERT N. RAFFERTY

O. JACOB TALLMAN
(1928-1987)

HAROLD A. BUTZ
(1923-1988)

THEODORE J. ZELLER, JR.
(1908-1978)

*ALSO ADMITTED IN
NEW YORK

February 28, 1983

WILLIAM B. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN B. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. BAUER, JR.
OLDRICH FOUCER III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCYK
GILBERT J. NEGRETE, JR.
JOSEPH A. BUSBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

Kenneth A. Gross
Associate General Counsel
FEDERAL ELECTION COMMISSION
1325 K. Street, N.W.
Washington, DC 20463

Re: MUR 1524

Dear Mr. Gross:

Please be advised that I represent the Don Ritter for Congress Committee and am in receipt of your letter of February 10, 1983, along with the complaint filed by Mr. Richard Orloski.

Enclosed is the sworn affidavit of Jerome Kindrachuk, Treasurer of the Don Ritter for Congress Committee which responds to the allegations of Mr. Orloski. The charges of violations of law are unfounded as the response will show.

If there is any further information you require, please advise us.

Sincerely,

J. JACKSON EATON, III

JJE, III:plp
enclosure

FEDERAL EXPRESS

84040454710

13 MAR 1 P2:32

GENERAL COUNSEL

I, Jerome Kindrachuk, as the Treasurer of the Don Ritter for Congress Committee.

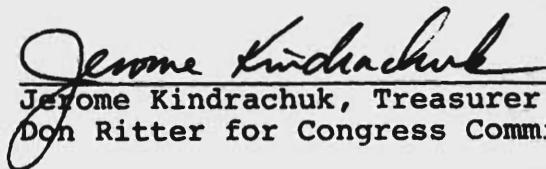
Berger and Company, 546 Hamilton Mall, Allentown, Pennsylvania 18102, is an advertising and public relations firm with which the Don Ritter for Congress Committee contracted for advertising and other such media services. Each payment to Berger and Company was indicated on appropriate reports to the Federal Election Commission.

Prior to filing the questioned reports, I called the FEC to determine the manner of reporting such expenditures. My understanding from that conversation and from the handbook published by the FEC was that payments to advertising and public relations firms were to be reported to the FEC as made, and the Committee has done so.

The Don Ritter for Congress Committee at no time hired or made any payments to Mr. Larry Barkan as indicated in the Orloski letter. It is our understanding that he was engaged by Berger and Company, which company was responsible for providing media services to the Committee.

With regard to the Pfizer Company matter, neither the Committee or the Congressman requested the mailing described nor was anyone on the Committee aware of the content of the mailing or that it in fact had taken place. By telephone conversation, Congressman Ritter did request an individual who as an employee of Pfizer to assist in the campaign in recruiting volunteers. There was no suggestion of a mailing and there was never any request by the Committee or offer by any person that corporate postage or other resources be used in this matter. We specifically deny that this mailing was used for or resulted in any fund-raising.

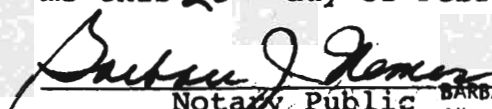
The Committee sincerely regrets the Pfizer incident. But it was one over which the Committee had no control and did not request.


Jerome Kindrachuk, Treasurer
Don Ritter for Congress Committee

Jerome Kindrachuk, being duly sworn according to law, deposes and says that he is Treasurer of the Don Ritter for Congress Committee and that as such is authorized to make this affidavit in its behalf and that the facts set forth above are true and correct to the best of his knowledge, information and belief.


Jerome Kindrachuk

Sworn to and subscribed before
me this 28th day of February, 1983


Notary Public

BARBARA J. NEMES, Notary Public
Allentown, Lehigh County, Pa.
My Commission Expires April 2, 1984



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jerome Kindrachuk, Treasurer
Don Ritter for Congress Committee
2404 Livingston Street
Allentown, PA 18104

Re: MUR 1524

Dear Mr. Kindrachuk:

This letter is to notify you that on February 7, 1983, 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1524. 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 completing the enclosed form 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.

84040454742

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

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]

By Kenneth A. Gross
Associate General Counsel

Enclosures

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

cc: Honorable Donald L. Ritter

1524 2/10

SENDERS: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

CONSULT POSTMASTER FOR FEES

1. The following service is requested (check one):

☐ Show to whom and date delivered _____

☐ Show to whom, date, and address of delivery _____

2. ☐ RESTRICTED DELIVERY
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

ARTICLE ADDRESSED TO:
James Kindischek
Ritter for Congress
Allentown, PA

4. TYPE OF SERVICE:

☐ REGISTERED ☐ INSURED

☐ CERTIFIED ☐ COD

☐ REGISTERED MAIL

ARTICLE NUMBER
1563EH

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

X A. Kindischek

DATE OF DELIVERY
2/17/83

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. REASON: _____

7b. INITIALS: _____

RETURN RECEIPT, REGISTERED MAIL, INSURED MAIL, AND CERTIFIED MAIL

REGISTERED
FEB 16 1983
SECTION 16
FEB 16 1983
ALLENTOWN, PA

84040454743



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry Barkan
47 S. 15th Street
Allentown, PA 18102

Re: MUR 1524

Dear Mr. Barkan:

This letter is to notify you that on February 7, 1983, 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1524. 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, 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.

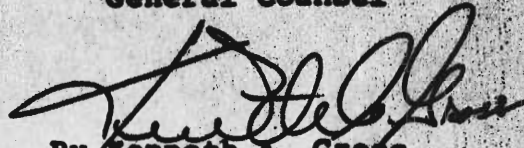
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040454744

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

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosures

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

1574 2/10

© SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "FROM" space on reverse.

CONSULT POSTMASTER FOR FEES

1. The following service is requested (check one):

- ☐ Show to whom and date delivered
- ☐ Show to whom, date, and address of delivery
- ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee)

TOTAL \$

2. ARTICLE ADDRESSED TO:
Larry Barton
Allentown, PA

3. TYPE OF SERVICE:

- ☐ REGISTERED ☐ INSURED
- ☐ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER: 8468Eh

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

2/15/83

4. DATE OF DELIVERY

5. ADDRESSEE'S ADDRESS (Only if requested)

6. UNABLE TO DELIVER BECAUSE:

7. EMPLOYER'S DETAILS:

REGISTERED MAIL, INSURED, REGISTERED, INSURED AND CERTIFIED MAIL

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
FEB 15 1983
MAIL
SECTION



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Berger and Company
546 Hamilton Mall
Allentown, PA 18102

Re: MUR 1524

Dear Sir/Madam:

This letter is to notify you that on February 7, 1983, the Federal Election Commission received a complaint which alleges that your company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1524. 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 company 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.

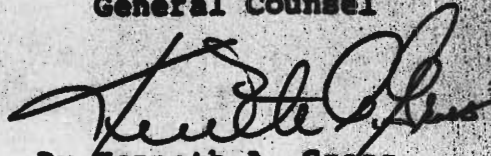
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040454746

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

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040454747

Enclosures

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

1524

• **SENDER'S CERTIFICATE** (Form 1, U.S. Post Office)
Add your address to the "return to" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):
☐ Show to whom and date delivered _____
☐ Show to whom, date, and address of delivery _____
☒ **RESTRICTED DELIVERY**
(The restricted delivery fee is also paid in addition to the return receipt fee)

TOTAL \$ _____

2. ARTICLE ADDRESSED TO:
Burger + Co.
Allentown, PA

ARTICLE NUMBER: TS38Ch

TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
X Monica F. [Signature]

DATE OF DELIVERY: 2/15/83

3. ADDRESSEE'S ADDRESS (Only if required)

7. UNABLE TO DELIVER BECAUSE:

RECEIVED FEB 15 1983



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pfizer, Inc.
Minerals, Pigments & Metals Division
640 North 13th Street
P.O. Box 548
Easton, PA 18042

Re: MUR 1524

Dear Sir/Madam:

This letter is to notify you that on February 7, 1983, the Federal Election Commission received a complaint which alleges that your company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1524. 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, 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.

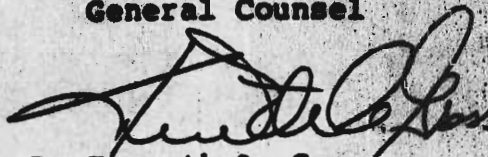
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

81040454748

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

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040454749

Enclosures

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

1524

SENDER'S Complete Name, S. E. & Co. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one): ☐ Show to whom and date delivered _____ ☐ Show to whom, date, and address of delivery _____	
2. ☐ RESTRICTED DELIVERY (The restricted delivery fee is charged in addition to the return receipt fee.)	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: Pfizer, Inc. Easton, PA	
TYPE OF SERVICE: ☐ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL	ARTICLE NUMBER 256823
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent DATE OF DELIVERY	
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	

RECEIVED BY ADDRESSEE, REGISTERED MAIL, INSURED MAIL, CERTIFIED MAIL

FEB 14 1983



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Erick W. Sweet
Research Personnel Manager
Pfizer, Inc.
640 North 13th Street
Easton, PA 18042

Re: MUR 1524

Dear Mr. Sweet:

This letter is to notify you that on February 7, 1983, 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 1524. 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.

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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.

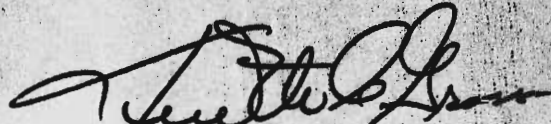
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040454750

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

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

84040454751

Enclosures

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

521 26

• **SHIPPING:** Complete Items 1, 2, & 3. Add your address to the "ADDRESSEE TO" space on reverse.

(CONSULT POSTMASTER FOR FORMS)

1. The following service is requested (check one):

- ☐ Show to whom and date delivered _____
- ☐ Show to whom, date, and address of delivery _____
- ☐ **RESTRICTED DELIVERY**
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

2. **ARTICLE (ADDRESS TO):**
Ernie Sweet
Pharm Inc.
Eaton, Pa. 19042

3. **TYPE OF SERVICE:**

- ☐ REGISTERED ☐ INSURED
- ☐ CERTIFIED ☐ COD
- ☐ EXPRESS MAIL

ARTICLE NUMBER
438949

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

6. **ADDRESSEE'S ADDRESS (Only if requested)**

7. **UNABLE TO DELIVER BECAUSE:**

TO: **EASTON**
FEB 14 1983
SPO



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 10, 1983

Richard J. Orloski
446 Linden Street
Allentown, PA 18102

Dear Mr. Orloski:

This letter is to acknowledge receipt of your complaint which we received on February 7, 1983, against the Don Ritter for Congress Committee 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 five days.

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. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Steven Barndollar at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

84040454752

**Richard
ORLOSKI**
for CONGRESS

COMMITTEE: 446 Linden Street • Allentown, Pennsylvania 18102
Phone (215) 435-2727

January 31, 1983

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

Re: Don Ritter For
Congress Committee

Gentlemen:

This is a formal complaint against the Don Ritter For Congress Committee.

Under 2 U.S.C. Section 434(b)(9), a political committee must itemize expenditures by amount, date and purpose of each expenditure. Under 2 U.S.C. Section 434(b)(10), the committee must identify each person to whom an expenditure for personal services, salaries and reimbursed expenses in excess of \$100.00 has been made and which is not otherwise reported.

After reviewing the report filed by Don Ritter For Congress Committee, it is obvious that the committee has not itemized expenditures as required by 2 U.S.C. Section 434(b)(9), and has not identified expenditures for personal services, salaries and reimbursed expenses in excess of \$100.00 as required by 2 U.S.C. Section 434(b)(10).

The Committee has expended thousands of dollars for billboard advertising to Creative Displays, Inc. This expenditure is not reported. The Committee has expended thousands of dollars on radio advertising with WAEB, WKAP, WSAN, WEST, WEEX, WLEV, and WFMZ. These expenditures are not reported. The committee has employed various persons in a clandestine "dirty tricks" operation, specifically and not limited to Larry Barkan, 47 S. 15th Street, Allentown, Pennsylvania 18102, (215) 437-5050, who has received in excess of \$100.00 for personal services, salaries and reimbursed expenses. See, copy of newspaper articles confirming such expenditures. These expenditures are not

January 31, 1983

reported. Additionally, Larry Barkan of 47 S. 14th Street, Allentown, Pennsylvania 18102 (215) 437-5050, was hired by the Don Ritter For Congress Committee to take campaign photographs, and his work was specifically used by the Don Ritter For Congress Committee and appeared in its political ads. This expenditure was not reported.

The failure to report and itemize these expenditures as required by 2 U.S.C. Section 434(b)(9) and (10) is a direct violation of the reporting requirements.

The Committee has attempted to by-pass these itemized requirements in order to facilitate its effort to cover up expenditures for its dirty tricks operation. The mechanism it used to launder these expenditures was to report bulk unitemized expenditures to Berger & Company, 546 Hamilton Mall, Allentown, Pennsylvania 18102, [(215) 435-9687], as follows:

May 19, 1982	\$6,348.72
June 25, 1982	4,219.75
August 5, 1982	7,856.35
Sept. 28, 1982	7,200.00
October 6, 1982	5,757.37
October 11, 1982	4,800.00
October 20, 1982	6,800.00
October 27, 1982	6,000.00
October 29, 1982	2,000.00
Nov. 1, 1982	4,000.00

\$54,982.19

In other words, the Committee used Berger & Company as a subsidiary political campaign committee by giving it monies in excess of its fee for services rendered and then having Berger & Company pay for the billboards, radio spots, photographs and personnel for the dirty tricks operation. In this manner, the itemization requirements of 2 U.S.C. Section 434 (b)(9) and (10) are by-passed, and the public is never given the opportunity to learn what is really being done with its campaign contributions.

84040454754

Federal Election Commission

January 31, 1983

It seems to me that one of two alternative solutions is possible in order to comply with 2 U.S.C. Section 434(b)(9) and (10): 1) require the Don Ritter For Congress Committee to specifically itemize all expenditures which Berger & Company made on its behalf, including all salaries and reimbursed expenses in excess of \$100.00 as required by 2 U.S.C. Section 434(b)(9) and (10); or 2) require Berger & Company to register as a subsidiary campaign committee, and require it to itemize all expenditures it made for the principal campaign committee, including expenditures for personal services, salaries, and reimbursed expenses in excess of \$100.00. In this manner, the expenditures for the billboard advertising, radio advertising and personnel for dirty tricks operation will be reported and subject to public scrutiny.

In addition to the above complaint, I have learned that Pfizer Minerals, Pigments & Metals Division of 640 North 13th Street, P. O. Box 548, Easton, Pa 18042, [(215)253-6261] has made illegal in-kind contributions to the Don Ritter for Congress Committee. Specifically, Pfizer at corporate expense using corporate materials with corporate personnel mailed out under its corporate postage meter [P.B. Meter #974882] a mass mailing to all employees residing in the 15th District requesting them to assist in the effort to re-elect Don Ritter. In addition to supplying the postage for this mailing, Mr. Erick W. Sweet, Research Personnel Manager was placed in charge of this effort, and was authorized to spend corporate time on the project. This would appear to be a direct commitment of substantial corporate resources to the re-election of Congressman Ritter in violation of the Act.

Enclosed find a Pfizer envelope with Pfizer's postage meter affixed, and a flier that was enclosed directing interested persons to contact Mr. Erick W. Sweet, Research Personnel Manager. Please note that, inasmuch as my source has requested confidentiality, I have removed the corporate mailing label indicating that specific person to whom this letter was addressed. Since this was a Company-wide mailing, however, I doubt that

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anyone from Pfizer will deny the fact--or the corporation authorization--for this mailing. It is our present understanding that this was used as a fund-raising technique rather than as a volunteer gathering operation, and that it was coordinated with the Don Ritter For Congress Committee.

Richard J. Orloski

1 Pfizer Envelope
1 Flier from Pfizer
1 Newspaper Article from Allentown's
Call-Chronicle of October 29, 1982

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

I, Richard J. Orloski, being duly sworn according to law, depose and say that the foregoing facts are true and correct, according to my best knowledge, information and belief.


Richard J. Orloski

SWORN TO and Subscribed before
me this 1st day of February, 1983.

Loretta Johnson
Notary Public

4

September 20, 1982

FELLOW DON RITTER SUPPORTERS

As you know, this is an election year and our Congressman, Don Ritter, is facing another challenge in his bid for re-election. The race portends to be a very close one and if you agree, as we do, that Congressman Ritter deserves our support, we would ask that you and your family become involved in his campaign for re-election.

Congressman Ritter has been a strong supporter both of Pfizer and unorganized labor in the Lehigh Valley. His voting record leaves no doubt as to his commitment to industries such as ours. Congressman Ritter will be needing direct support insuring that the maximum Republican vote turns out, and that is where you can HELP!!

Please fill out and return the attached form and join the Pfizer/Ritter "Winning Team."

Erick W. Sweet

Erick W. Sweet
Research Personnel Manager

Please contact me concerning how I and my family might help as a member of the Pfizer/Ritter "Winning Team"

NAME: _____

Phone: _____

Return to: Mr. Erick W. Sweet,
Research Personnel Manager
Pfizer, Inc.
640 North 13th Street
Easton, Pa 18042
215-253-6261, Ext. 380

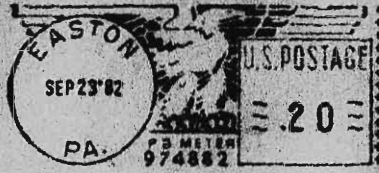
"NO LATER THAN FRIDAY SEPTEMBER 24, 1982"

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MINERALS, PIGMENTS & M., DIV.

640 NORTH 15TH ST., P. O. BOX 545, EASTON, PA, 18042



These photos were handed out during the Orloski press conference yesterday.



Assigned to take 'awful' photos of Orloski, student claims

By DAVID DAWSON
Of Morning Call

A part-time Cedar Crest College student working for a local photographer said yesterday he was assigned to get "the worst possible" pictures he could of 18th District Democratic congressional candidate Richard Orloski. He said the pictures were paid for by U.S. Rep. Don Ritter's re-election committee.

Rory Kremer said in a press conference at Orloski's campaign headquarters that, while working for Allentown photographer Laurence Barkan, he was assigned to cover candidates' appearances at two events Oct. 19. The first was at the Allentown Woman's Club, the second was a rally at 7th and Hamilton streets, Allentown.

Kremer said his instructions were to get "shots of Mr. Orloski in a bad light. The worst

I could possibly get of him."

He said he was repeatedly told the shots were for Ritter, and not to tell anyone what he was doing. He said he was asked to take the pictures because Orloski knew Barkan and would recognize him. He said as he was leaving the Woman's Club, Ritter called him over to a car he was sitting in. He said that, when Ritter learned he was working for Barkan, Ritter said to him, "You're doing some work for us today," and asked what Orloski had said at the meeting and what kinds of pictures he took. Kremer said Ritter wanted pictures of Orloski gesturing.

Kremer described the one Barkan liked best as "really awful." He said the pictures were given by him and Barkan to a woman in a green Cadillac in a Bethlehem parking lot. He called the transfer "James Bond-like."

In response to the claims Kremer made yesterday, Ritter said Barkan was paid to get

pictures of Orloski for a newspaper ad that he decided not to run. Barkan called the whole story "absurd and ridiculous." He said Kremer is looking for revenge and lying because he was fired last Saturday.

Ritter said the photos were contracted for because one of his staffers wanted to get together an ad to respond to Orloski's campaign, which has attacked Ritter constantly. He declined to name the staffer. "They put it together and showed it to me and I scatched it," Ritter said. He said his entire campaign has been a positive one, and he didn't want to run a negative newspaper ad.

"I am disappointed in the direction of the campaign. We've had so much mud thrown at us. When the decision came (on the proposed ad), at the bottom line I said 'no go,' and stopped it in its tracks."

Ritter said the story about the

Cadillac is "the wildest thing I ever heard." Barkan said the woman in the Cadillac was another client of his who has nothing to do with the Ritter campaign.

Barkan further questioned Kremer's credibility. Contradicting Ritter, Barkan said the pictures Kremer took were for his own files. Barkan said Kremer was painting and cleaning his studio and taking a few pictures in exchange for spending money and a place to stay. Kremer said Barkan owes him \$300. Barkan denied this.

Kremer, who recently moved to the area from Montana, said he decided to tell his story to Orloski and the press because his family is active in Democratic politics, and he felt obliged to counter claims by Ritter that Orloski has used deceptive campaign tactics.

Responding to a challenge issued Tuesday by Ritter, Orloski handed out copies of a

newspaper in which a story ran that he has been using in his campaign literature. Ritter had charged the reproduced news clipping was phony. In fact, it ran in the Oct. 13 edition of The Press, a free tabloid distributed in the Slate Belt.

But, as Ritter pointed out, the headline in the paper and the headline in Orloski's reproduction of the story are slightly different. The original headline reads: "Orloski claims Ritter favors cutting Social Security benefits." In the Orloski version, the words "Orloski claims" were cut from the headline.

Asked if he would apologize for the charges he made about the flyer, Ritter said: "If he apologizes for doctoring the headlines on the Social Security stories in The Morning Call and in The Press, then I'll apologize," referring to a similar complaint made about a reproduced Call story.

October 29, 1982

Orloski Accuses Ritter In 'Unflattering' Photos

By DAVID SKIDMORE
Globe-Times Staff Writer

Congressional candidate Richard Orloski at a press conference this morning produced a college student who said he was hired by U.S. Rep. Donald Ritter's campaign to take unflattering pictures of Orloski.

Rory Kremer, who identified himself as a 20-year-old part-time student in dance and hospital administration at Cedar Crest College, said Allentown photographer Laurence Barkan hired him to take pictures of Orloski in poor light

October 28, 1982
at the Allentown Women's Club program Oct. 19 and a labor rally at Center Square in Allentown later that day.

Ritter this morning confirmed that Barkan was hired to take pictures of Orloski, but denied that Barkan was told specifically to take unflattering pictures.

"We were interested in pictures of Orloski in his typical campaign style. He waves his hand and yells. Even the photos taken by his own campaign and the newspapers are unflattering," Ritter said.

(Continued on Page A-4, Col. 3)

'Unflattering' Photographer

Continued From Page A-1

Ritter said he was advised by his staff to use the pictures in an advertisement detailing what he calls Orloski's negative campaign.

Ritter said. The pictures will not be used, Ritter said. "I would not indulge in that kind of thing."

Ritter's story directly contradicts Barkan's. When called this morning, Barkan said Kremer never worked for him, but later called back to say that he had and that the Orloski photographs were taken "for research purposes."

"I maintain stock files of political candidates. The photos were not for sale. That is my official statement," he said.

At the conference held at Orloski campaign headquarters in Allentown, Kremer said he and Barkan delivered four prints on Oct. 22 or Oct. 23 to a woman in the parking lot of a Bethlehem bank. He could not identify the woman or the bank, but said she drove a green Cadillac and that Barkan told him she was from Philadelphia and represented the Ritter campaign.

"I was told to get pictures of Ritter in bad light with bad gestures. Anything that would look bad on film... I was told many times 'Don't say a word of this to anyone,'" Kremer said.

After taking the pictures at the woman's club Oct. 19, Kremer said he walked outside and was called by Ritter to his car.

"He asked me who I was working for. I said Laurence Barkan. He said, 'Oh, you're doing shots for us today.' He said, 'Oh, did you get any good ones.'" Kremer said.

Kremer said he was originally from Montana and arrived in Allentown four days before the start of the Cedar Crest term. He said he met Barkan through a mutual friend.

At the time Kremer said he was living temporarily in a Cedar Crest dormitory and that Barkan offered to give him a room and spending money in exchange for work.

Kremer said he has not been paid for the photographs and said Barkan owes him \$300.

Orloski said he first heard of the incident when Kremer telephoned him Wednesday afternoon. He said he had not met Kremer until this morning in

October 28, 1982
his law office, a half hour before the press conference.

Barkan described Kremer "as a dishonest young man who I helped out and gave a place to stay." Barkan said Kremer ran away from his home near Billings, Mont., after being dishonorably discharged from the Coast Guard.

"My family didn't like him and didn't trust him and wanted me to tell him to leave. That is why he's making trouble. This man is just a nut," Barkan said.

He said the woman with the green Cadillac was another client and did not receive prints of the Orloski photos.

446 Linden Street
Allentown, PA 18103

8404045761



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



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 1524

Date Filmed 5/10/84 Camera No. --- 2

Cameraman JRL