



FEDERAL ELECTION COMMISSION

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

84040472707

THIS IS THE END OF MUR # 1723

Date Filmed 8/24/84 Camera No. --- 1

Cameraman JRL

FEDERAL ELECTION COMMISSION

Routing cards and slip

12-Day Report and Comments

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):

- |                                                                                    |                                                                           |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> (1) Classified Information                                | <input type="checkbox"/> (6) Personal privacy                             |
| <input type="checkbox"/> (2) Internal rules and practices                          | <input type="checkbox"/> (7) Investigatory files                          |
| <input type="checkbox"/> (3) Exempted by other statute                             | <input type="checkbox"/> (8) Banking Information                          |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents                         |                                                                           |

Signed

Frank W. Wassenaar

date

8/22/84



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 16, 1984

Roger M. Witten, Esquire  
Wilmer, Cutler and Pickering  
1666 K Street, N.W.  
Washington, D.C. 20006

RE: MUR 1723  
Common Cause

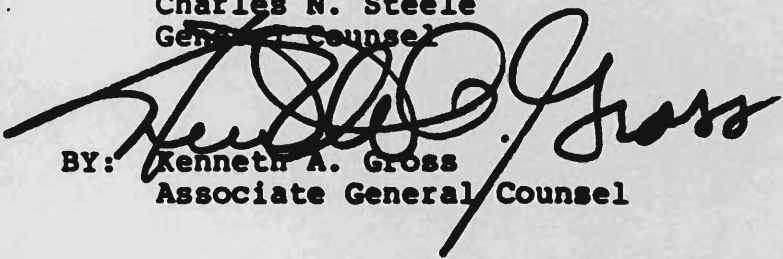
Dear Mr. Witten:

On June 13, 1984, the Commission notified your client of a complaint alleging a violation of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August 15, 1984, determined that on the basis of the information in the complaint and information supplied by you and your client, there is no reason to believe that a violation of any statute within its jurisdiction has occurred. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele  
General Counsel

BY:   
Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report

84040472709



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 16, 1984

John T. Dolan, Chairman  
National Conservative Political  
Action Committee  
1001 Prince Street  
Alexandria, Virginia 22314

RE: MUR 1723

Dear Mr. Dolan:

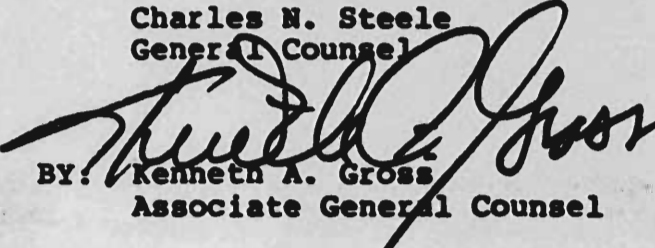
The Federal Election Commission has reviewed the allegations contained in your complaint dated June 5, 1984, against Common Cause, and has determined that on the basis of the information in the complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, has been committed. Accordingly, the Commission has closed the file in this matter.

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

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

Sincerely,

Charles N. Steele  
General Counsel

  
BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report

84040472710



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Common Cause )

MUR 1723

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on August 15, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1723:

1. Find no reason to believe that Common Cause has violated 2 U.S.C. § 441b.
2. Close the file in this matter.
3. Approve the letters attached to the First General Counsel's Report signed August 10, 1984.

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

Attest:

8-15-84

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

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

8-10-84, 3:00  
8-13-84, 11:00

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# FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

## MEMORANDUM

TO: Office of the Commission Secretary  
FROM: Office of General Counsel *Cut*  
DATE: August 10, 1984  
SUBJECT: MUR 1723 - First 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   | <input checked="" type="checkbox"/> |
| Sensitive            | <input checked="" type="checkbox"/> |
| Non-Sensitive        | <input type="checkbox"/>            |
| 24 Hour No Objection | <input type="checkbox"/>            |
| Sensitive            | <input type="checkbox"/>            |
| Non-Sensitive        | <input type="checkbox"/>            |
| Information          | <input type="checkbox"/>            |
| Sensitive            | <input type="checkbox"/>            |
| Non-Sensitive        | <input type="checkbox"/>            |
| Other                | <input type="checkbox"/>            |

### DISTRIBUTION

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|--------------------------------|-------------------------------------|
| Compliance                     | <input checked="" type="checkbox"/> |
| Audit Matters                  | <input type="checkbox"/>            |
| Litigation                     | <input type="checkbox"/>            |
| Closed MUR Letters             | <input type="checkbox"/>            |
| Status Sheets                  | <input type="checkbox"/>            |
| Advisory Opinions              | <input type="checkbox"/>            |
| Other (see distribution below) | <input type="checkbox"/>            |

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

RECEIVED  
OFFICE OF THE REC  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

84 AUG 10 P3:00

DATE AND TIME OF TRANSMITTAL BY OGC  
TO THE COMMISSION 8/10/84 - 3:00

MUR NO. 1723  
DATE COMPLAINT RECEIVED  
BY OGC June 6, 1984  
DATE OF NOTIFICATION TO  
RESPONDENT June 13, 1984  
STAFF MEMBER  
Anne A. Weissenborn

**SENSITIVE**

COMPLAINANT'S NAME: National Conservative Political  
Action Committee

RESPONDENT'S NAME: Common Cause

RELEVANT STATUTE: 2 U.S.C. §§ 431(9)(A)(i); 431(11); 441b

INTERNAL REPORTS  
CHECKED:

MUR Index; AO Index

SUMMARY OF ALLEGATIONS

The complaint filed by the National Conservative Political Action Committee states that on January 17, 1984, Common Cause, an incorporated entity, announced that beginning on January 18 it intended to spend \$600,000 on a media campaign which, according to Common Cause materials attached, opposes the role of "special interest political action committees" in Congress and has as its goal making "the issue of campaign finance reform a major part of the 1984 political debate." The complaint cites the statement of Common Cause President Fred Wertheimer that "[o]ur media campaign will be conducted with the Presidential calendar in mind . . . .," and stresses what is seen as Common Cause's emphasis upon the benefits to incumbents of PAC spending. The complainant argues that "the sole intended purpose of the [Common Cause] commercials

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is to affect the financing of Federal campaigns and to influence the electorate, with the probable result being a reduction in the financing of elections of incumbent members of Congress." The complainant therefore argues that the expenditures at issue are being made "in connection with" federal elections and that because Common Cause is a corporation it is in violation of 2 U.S.C. § 441b which prohibits such expenditures.

LEGAL AND FACTUAL ANALYSIS

2 U.S.C. § 441b(a) prohibits any corporation from making "a contribution or expenditure in connection with any election to any political office," including Federal office. 2 U.S.C. § 441b(b)(1) defines "contribution or expenditure" for purposes of this section as including "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value . . . to any candidate, campaign committee, or political party or organization, in connection with any election to any of the offices referred to in this section. . . ." 2 U.S.C. § 431(11) defines "person" to include a corporation. 2 U.S.C. § 431(9)(A)(i) defines "expenditure" to include "any purchase, payment, distribution, loan, advance, or gift of money or anything of value made by any person for the purpose of influencing any election for Federal office. . . ."

Neither the Act nor the Commission's regulations define the phrases "for the purpose of influencing" or "in connection with" as regards either corporate or non-corporate expenditures. However, in numerous enforcement proceedings and advisory opinions requiring application of this language to specific

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situations, the Commission has applied such tests as whether a purchased communication expressly advocated the nomination or election of a candidate, whether a communication solicited contributions to a candidate, and whether the overall purpose of the communication was advocacy of a candidacy rather than advocacy of an issue or policy. See MURs 1051, 1283, 1298 and 1531, and AOs 1977-42, 1977-54, 1978-15.

These tests have in turn been consistent with early judicial interpretations of the Federal Election Campaign Act, 2 U.S.C. § 431 et seq. and of the predecessor of 2 U.S.C. § 441b, 18 U.S.C. § 610. "We . . . construe the Act to apply only to committees soliciting contributions or making expenditures, the major purpose of which is the nomination or election of candidates." U.S. v. National Campaign for Impeachment, 469 F.2d 1135, 1141 (2d Cir. 1972), quoted in American Civil Liberties Union, Inc. v. Jennings, 366 F. Supp. 1041, 1057 (D.D.C. 1973). See also Buckley v. Valeo, 424 U.S. 1, 23 (1976). "The evil at which Congress has struck in [18 U.S.C. § 610] is the use of corporation or union funds to influence the public at large to vote for a particular candidate or a particular party." U.S. v. International Union Auto Workers, 352 U.S. 567, 589 (1957). "[Section] 610 would proscribe [a corporation's] expenditures only if they financed partisan communications. . . ." Ash v. Cort, 496 F.2d 416, 426 (3d Cir. 1974), reversed on other grounds, 422 U.S. 66 (1975).

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Counsel for Common Cause, in his response to the notification of the complaint in the present matter, argues that

[t]he media campaign which is the subject of NCPAC's complaint was part of Common Cause's continuing effort to promote campaign reform. The media campaign was entirely non-partisan. . . . Common Cause neither mentioned any candidate (or political party) or expressly or impliedly advocated any candidate's election or defeat. The media campaign was not designed to influence the outcome of any federal election. It did not include candidate-related speech disguised as issue advocacy. (Attachment 1, pages 1-2).

Counsel also states that the timing of the Common Cause efforts to coincide with certain presidential primaries was "because they provided a national forum in which 'issues of great significance to the country should be discussed,'" and that the "drive for election law reform" will continue after the election. (Attachment 1, page 3).

Application of the above-cited tests to the Common Cause expenditures at issue does not lead to a finding that they have been made in connection with, or for purposes of influencing, an election. The particular Common Cause statements attached to the complaint contain no references to specific, named candidates, do not solicit contributions to such candidates, and have as their primary purpose discussion of the issue of the present role of political action committees in the political process. The complainant's emphases upon an asserted intent to influence the financing of Federal elections and upon the potential impact upon incumbents in general do not meet the tests outlined above.

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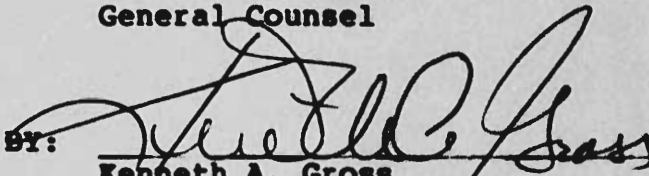
This Office recommends that the Commission find no reason to believe that Common Cause has violated 2 U.S.C. § 441b and close the file in this matter.

RECOMMENDATIONS

1. Find no reason to believe that Common Cause has violated 2 U.S.C. § 441b.
2. Close the file in this matter.
3. Approve the attached letters.

Charles N. Steele  
General Counsel

August 10, 1981  
Date

By:   
Kenneth A. Gross  
Associate General Counsel

Attachments

1. Response from Common Cause
2. Letters (2)

84040472717



W. C. C. C.

WASHINGTON, D. C. 20006

1911

TELEX 88-0403

TELEPHONE 202 571-0000

**EUROPEAN OFFICE**

**1 COLLEGE HILL**

LONDON, EAR 29A, ENGLAND

TELEPHONE 61-226-2401

FILE: 65-6230-9

**CABLE ADDRESS: WIERING LONDON**

**July 6, 1984**

[illegible]

JOSEPH S. BOWEN  
 JAY F. LAFOR  
 GEORGE C. BOWEN  
 CARL E. WILSON  
 E. LEONARD STEPHEN, JR.  
 WILLIAM T. LARSEN  
 WILLIAM A. LEWIS  
 WILLIAM A. LEWIS  
 MICHAEL E. HEDBERG  
 NIEL A. HANE  
 ROBERT C. HANSEN  
 A. BENJAMIN HANSEN  
 MICHAEL W. HANE  
 WILLIAM A. HANSEN, JR.  
 A. STEPHEN JOHNS, JR.  
 EDWIN E. JOHNSON  
 JAMES E. JOHNSON, JR.  
 ROBERT M. JOHNSON  
 ROBERT C. JOHNSON, JR.  
 JOHN E. JOHNSON  
 JOHN E. JOHNSON  
 DAVID E. JOHNSON  
 HARRY JOHNSON  
 CHRISTOPHER E. JOHNSON  
 WILLIAM A. JOHNSON  
 ANDREW E. JOHNSON  
 ALAN E. JOHNSON  
 LYNN JOHNSON  
 JAMES E. JOHNSON, JR.  
 STEPHEN A. JOHNSON  
 WILLIAM A. JOHNSON, JR.

BRYEN E. F. LANGE,  
 EUROPEAN PARTNER  
 -----  
 HERBELL C. STODOLSKY  
 DONALD F. TURNER, A. C.  
 LESTER WYMAN  
 WILLIAM L. WILSON, JR.  
 J. ROBERT H. WEAVER, III  
 COUNSEL  
 -----  
 HUGH A. M. SMITH  
 CHARLES C. GLOVER, III  
 SAMUEL J. LAMAHAN  
 OF COUNSEL  
 \* NOT ADMITTED IN D. C.

[illegible][illegible]

## BY HAND

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

Attention: Anne Weissenborn, Esquire

**Re: MUR 1723**

Dear Mr. Gross:

This letter responds to the frivolous complaint filed against Common Cause and its President, Fred Wertheimer, by the National Conservative Political Action Committee ("NCPAC") on June 6, 1984. No action should be taken against Common Cause or Fred Wertheimer on the basis of the complaint, which should be summarily dismissed. See 2 U.S.C. § 437g(a)(1).

Common Cause is a non-partisan, non-profit membership corporation.<sup>1/</sup> It has, since its inception, promoted

1/ Affidavit of Fred Wertheimer ("Wertheimer Aff.")  
9 2 (attached).

Attachment 1 (1)



reform in the Nation's campaign finance laws.<sup>2/</sup> The media campaign which is the subject of NCPAC's complaint was part of Common Cause's continuing effort to promote campaign finance reform.<sup>3/</sup> The media campaign was entirely non-partisan, as are all of Common Cause's activities.<sup>4/</sup> Common Cause neither mentioned any candidate (or political party) or expressly or impliedly advocated any candidate's election or defeat.<sup>5/</sup> The media campaign was not designed to influence the outcome of any federal election.<sup>6/</sup> It did not include candidate-related speech disguised as issue advocacy.<sup>7/</sup> The campaign was, as Fred Wertheimer explained at the time, designed "to make the issue of campaign finance reform a major part of the 1984 political debate."<sup>8/</sup> NCPAC admits as much: it accuses Common Cause and Wertheimer only of trying "to influence the financing of Federal campaigns,"<sup>9/</sup> not the election or defeat of a candidate.

The ban in section 441b on corporate expenditures is inapplicable to Common Cause's campaign finance reform advocacy. The definition of "expenditure" is limited to payments made "for the purpose of influencing" an election for federal office. 2 U.S.C. § 431(9)(A). It does not

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<sup>2/</sup> Id. ¶ 2.

<sup>3/</sup> Id. ¶¶ 4-6.

<sup>4/</sup> Id. ¶¶ 5-6.

<sup>5/</sup> Id. ¶¶ 4-6; see Complaint, passim

<sup>6/</sup> Wertheimer Aff. ¶ 5.

<sup>7/</sup> Id. ¶¶ 4-6; see Complaint, passim.

<sup>8/</sup> Exhibit A to Complaint at 1 (emphasis added). Wertheimer said in the same press conference: "We want to drive home the point that no matter who is elected President in November, he is going to face a Congress deeply indebted to special interest PACs -- until the system for financing Congressional campaigns is changed." Id. (emphasis added).

<sup>9/</sup> Complaint at 2.

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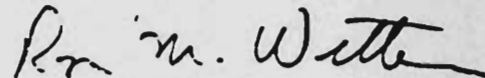
Kenneth A. Gross, Esquire  
July 6, 1984  
Page Three

include money spent to engage in issue advocacy or to communicate with citizens on issues of general public concern. The purpose of § 441b is to prohibit the "use of corporation or union funds to influence the public at large to vote for a particular candidate or a particular party."<sup>10/</sup> The Commission has recognized the distinction between candidate-related corporate expenditures and non-partisan corporate speech.<sup>11/</sup> Common Cause's campaign finance advocacy falls within the latter category.

While Common Cause focused some of its media efforts to advocate campaign finance reform on certain Presidential primary states, that fact does not transform its speech into a prohibited corporate expenditure. Common Cause timed its efforts to coincide with these primaries because they provided a national forum in which "issues of great significance to the country should be discussed."<sup>12/</sup> Moreover, Common Cause plans to continue its drive for election law reform after the election -- "no matter who is elected President."<sup>13/</sup>

For these reasons, NCPAC's complaint should be summarily dismissed.

Respectfully submitted,



Roger M. Witten  
Counsel for Common Cause

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<sup>10/</sup> United States v. UAW, 352 U.S. 567, 589 (1957),  
quoted in AO 1980-20 (emphasis added).

<sup>11/</sup> See, e.g., AO 1980-20 (corporation does not violate § 441b(a) by purchasing newspaper advertisement urging people to vote); AO 1980-95 (contributions by national bank in support of adoption of state constitutional amendments to be considered in conjunction with a federal election does not violate § 441b(a)).

<sup>12/</sup> Exhibit A to Complaint at 1; Wertheimer Aff. ¶ 6.

<sup>13/</sup> Exhibit A to Complaint at 1; Wertheimer Aff. ¶ 6.

Before the  
Federal Election Commission

National Conservative Political )  
Action Committee, )

Complainant, )

v. )

MUR 1723

Common Cause and )  
Fred Wertheimer, )

Respondents. )

AFFIDAVIT OF FRED WERTHEIMER

Washington )  
District of Columbia ) ss.:

FRED WERTHEIMER, being duly sworn, deposes and  
says:

1. I am President of Common Cause. My business  
address is 2030 M Street, N.W., Washington, D.C. 20036. I  
reside in the District of Columbia.

2. Common Cause is a non-profit, non-partisan  
membership corporation organized in the District of Columbia  
with approximately 260,000 members nationwide. Since its  
inception over a decade ago, Common Cause has advocated  
campaign finance reform to curb the actual and potential  
abuses of private money in Federal elections.

3. I have reviewed and am familiar with the  
complaint filed by the National Conservative Political  
Action Committee against Common Cause and me (as President  
of Common Cause and individually), which has been designated  
MUR 1723.

4. The complaint refers to a media campaign that Common Cause has conducted to focus citizen attention on the need for certain campaign finance reforms to curb what Common Cause perceives to be the actual and potential abuses of political action committees ("PACs"). I am personally familiar with that media campaign and participated as President of Common Cause in its conception, organization, and implementation.

5. The media campaign was not designed or intended to influence the outcome of any federal election or to advocate or oppose any candidate for federal office. The statements made in the campaign were carefully tailored to focus in an entirely non-partisan way on the issue of campaign finance reform. The objective of the media campaign was to persuade citizens of the need for campaign finance reform, particularly as regards PACs.

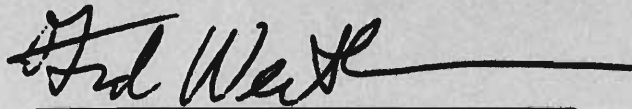
6. Common Cause focused part of its media campaign with respect to this issue in primary states during the primary campaign periods. Common Cause did this because these primary states were, during those periods, national forums which presented Common Cause with opportunities to attract national attention to the PAC issue. Common Cause did not speak out on the PAC issue in primary states during primary periods in order to influence the outcome of the primary elections. Indeed, Common Cause has spoken out against PAC abuses continually and on a national basis for

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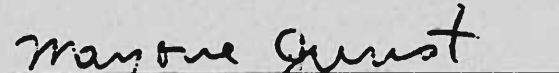


several years -- before the primaries in question, in states other than the primary states, and after the primaries in question. And Common Cause will continue to do so, regardless of who is elected in 1984, until the problem is solved.



Fred Wertheimer

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 1984.

  
Notary Public

My Commission expires: My Commission Expires November 14, 1988

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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

**Roger M. Witten, Esquire**  
**Wilmer, Cutler and Pickering**  
**1666 K Street, N.W.**  
**Washington, D.C. 20006**

**RE: MUR 1723**  
**Common Cause**

**Dear Mr. Witten:**

On June 13, 1984, the Commission notified your client of a complaint alleging a violation 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 supplied by you and your client, there is no reason to believe that a violation of any statute within its jurisdiction has occurred. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

**Charles N. Steele**  
**General Counsel**

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

**Enclosure**  
**General Counsel's Report**

34040472724



**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

John T. Dolan, Chairman  
National Conservative Political  
Action Committee  
1001 Prince Street  
Alexandria, Virginia 22314

RE: MUR 1723

Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations contained in your complaint dated June 5, 1984, against Common Cause, and has determined that on the basis of the information in the complaint, and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, has been committed. Accordingly, the Commission has closed the file in this matter.

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

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

Sincerely,

Charles N. Steele  
General Counsel

BY: Kenneth A. Gross  
Associate General Counsel

Enclosure  
General Counsel's Report

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*From:*

WILMER, CUTLER & PICKERING  
1600 K STREET, N.W.  
WASHINGTON, D.C. 20006

BY HAND

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

ATTENTION: Anne Weissenborn, Esquire



# WILMER, CUTLER & PICKERING

1666 K STREET, N. W.

WASHINGTON, D. C. 20006

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1 COLLEGE HILL

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TELEPHONE 01-238-2401

TELETYPE: 881-883848

CABLE ADDRESS: WICRIN LONDON

July 6, 1984

LOYD N. CUTLER  
JOHN M. PICKERING  
J. ROGER WOLLENBERG  
MARSHALL MORNSLOW  
HENRY T. RATHBUN  
REUBEN CLARK  
WILLIAM R. PERLIN  
SAMUEL A. STERN  
ARNOLD M. LERNAN  
ROBERT A. STRANAHAN, JR.  
MAX D. TRUITT, JR.  
JOEL ROSENBLUM  
HOWARD P. WILLENS  
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ARTHUR I. GARDNER, JR.  
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JAMES S. CAMPBELL  
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TIMOTHY N. BLACK  
SALLY RATZEN  
F. DAVID LANE, JR.  
PAUL J. MOORE, JR.  
STEPHEN F. BLACK

RONALD J. GREENE  
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DEANNE S. IVNER  
GARY S. WILSON  
C. LORING JETTON, JR.  
WILLIAM T. LANE  
THEODORE A. LEVINE  
MICHAEL L. BURGER  
MICHAEL S. HELFER  
NEIL J. KING  
ROBERT B. MCGAW  
A. DOUGLAS MELAMED  
RICHARD W. CASS  
WILLIAM J. KOLARSKY, JR.  
A. STEPHEN HUY, JR.  
DAVID R. JOHNSON  
JOHN ROUNSAVILLE, JR.  
ROGER M. WITTEN  
ROBERT C. CASSIDY, JR.  
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JOHN H. HARRISON II  
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MARY CAROLYN COX  
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ANDREW S. WEISSMAN  
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LYNN DRESMAN  
JAMES E. COLEMAN, JR.  
STEPHEN R. DUTLE  
WILLIAM R. RICHARDSON, JR.

DIETER G. F. LANGE  
EUROPEAN PARTNER  
ERIKEL S. STODOLARO  
DONALD F. TURNER, A.C.  
LESTER NURICK  
WILLIAM M. LEWIS, JR.  
J. RODGER HELLER, III  
COUNSEL

HUGH R. M. SMITH  
CHARLES C. GLOVER, III  
SAMUEL A. LANAHAN  
OF COUNSEL

\* NOT ADMITTED IN D. C.

JOHN THOMAS ANDROSS  
PHILIP D. ANGER  
BRUCE M. BERMAN  
W. SCOTT BLANKNER  
JACOB S. BRONNER  
WILLIAM D. BRUNTON  
RUSSELL A. BRUNTON  
TODD R. BRUNTON  
THOMAS P. CARMEL  
BRUCE S. CHALMERS  
SARAH SARON CHALKER  
JUANITA A. CHALKER  
CHARLES E. CHALKER  
SETH A. CHALKER  
PATRICIA D. CHALKER  
MICHAEL DRESSEN  
DANIEL M. DRESSEN  
ROY T. DRESSEN, JR.  
JONATHAN L. FEL  
CAROL M. FLECHTER  
HARRY M. FLECHTER  
DAVID M. FRANKFORD  
BRUCE W. GLENNIST  
RICHARD A. GLENNIST  
JOSEPH A. GLENNIST  
ALLAN H. HARRISON, JR.  
CLIFFORD S. HERRLER  
TERRILL HYDE HUNTINGTON  
LAWRENCE B. JUDAN  
GIL A. KARDON  
JOSEPH E. KILLORY, JR.  
NEAL T. KILMISTER  
VALERIE A. LANDAU

WILLIAM L. LAY  
CAROL F. LEE  
ISIDORE M. LEVY  
NEAL S. MANNE  
CAROL E. MATTY  
KAREN PETERUS MECHAN  
SHANE S. MORSE  
ISIDORE MURRAY MOYLAN  
ROGER J. PATTERSON  
JOHN PATTEN  
ROBERT M. PETERSON  
JEFFREY S. ROBINSON  
DAVID S. ROBINSON  
KATHLEEN M. RUSSO  
BRUCE S. RYAN  
ANDREA THOMAS SALLEY  
JAMES D. SCHLICHTING  
STEPHEN J. SCHLICHTING  
STEVEN A. SCHNEIDER  
LESLIE S. SCHNEIDER  
DAVID SCHNEIDER  
JANE S. SCHNEIDER  
KEVIN EUGENE SMITH  
WALTER S. SPILSBURY, JR.  
ALAN S. TENENBAUM  
MARGARET L. TOLBY  
ANDREW M. VALLNER  
JANE LEE VRIE  
DAVID WESTIN  
THOMAS W. WHITE  
JUDITH BARRY WISH  
JOHN W. ZUCKER

BY HAND

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

Attention: Anne Weissenborn, Esquire

Re: MUR 1723

Dear Mr. Gross:

This letter responds to the frivolous complaint filed against Common Cause and its President, Fred Wertheimer, by the National Conservative Political Action Committee ("NCPAC") on June 6, 1984. No action should be taken against Common Cause or Fred Wertheimer on the basis of the complaint, which should be summarily dismissed. See 2 U.S.C. § 437g(a)(1).

Common Cause is a non-partisan, non-profit membership corporation.<sup>1/</sup> It has, since its inception, promoted

<sup>1/</sup> Affidavit of Fred Wertheimer ("Wertheimer Aff.")  
¶ 2 (attached).

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Kenneth A. Gross, Esquire  
July 6, 1984  
Page Two

reform in the Nation's campaign finance laws.<sup>2/</sup> The media campaign which is the subject of NCPAC's complaint was part of Common Cause's continuing effort to promote campaign finance reform.<sup>3/</sup> The media campaign was entirely non-partisan, as are all of Common Cause's activities.<sup>4/</sup> Common Cause neither mentioned any candidate (or political party) or expressly or impliedly advocated any candidate's election or defeat.<sup>5/</sup> The media campaign was not designed to influence the outcome of any federal election.<sup>6/</sup> It did not include candidate-related speech disguised as issue advocacy.<sup>7/</sup> The campaign was, as Fred Wertheimer explained at the time, designed "to make the issue of campaign finance reform a major part of the 1984 political debate."<sup>8/</sup> NCPAC admits as much: it accuses Common Cause and Wertheimer only of trying "to influence the financing of Federal campaigns,"<sup>9/</sup> not the election or defeat of a candidate.

The ban in section 441b on corporate expenditures is inapplicable to Common Cause's campaign finance reform advocacy. The definition of "expenditure" is limited to payments made "for the purpose of influencing" an election for federal office. 2 U.S.C. § 431(9) (A). It does not

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<sup>2/</sup> Id. ¶ 2.

<sup>3/</sup> Id. ¶¶ 4-6.

<sup>4/</sup> Id. ¶¶ 5-6.

<sup>5/</sup> Id. ¶¶ 4-6; see Complaint, passim

<sup>6/</sup> Wertheimer Aff. ¶ 5.

<sup>7/</sup> Id. ¶¶ 4-6; see Complaint, passim.

<sup>8/</sup> Exhibit A to Complaint at 1 (emphasis added). Wertheimer said in the same press conference: "We want to drive home the point that no matter who is elected President in November, he is going to face a Congress deeply indebted to special interest PACs -- until the system for financing Congressional campaigns is changed." Id. (emphasis added).

<sup>9/</sup> Complaint at 2.

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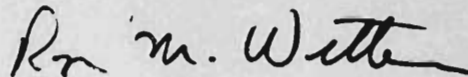
Kenneth A. Gross, Esquire  
July 6, 1984  
Page Three

include money spent to engage in issue advocacy or to communicate with citizens on issues of general public concern. The purpose of § 441b is to prohibit the "use of corporation or union funds to influence the public at large to vote for a particular candidate or a particular party."<sup>10/</sup> The Commission has recognized the distinction between candidate-related corporate expenditures and non-partisan corporate speech.<sup>11/</sup> Common Cause's campaign finance advocacy falls within the latter category.

While Common Cause focused some of its media efforts to advocate campaign finance reform on certain Presidential primary states, that fact does not transform its speech into a prohibited corporate expenditure. Common Cause timed its efforts to coincide with these primaries because they provided a national forum in which "issues of great significance to the country should be discussed."<sup>12/</sup> Moreover, Common Cause plans to continue its drive for election law reform after the election -- "no matter who is elected President."<sup>13/</sup>

For these reasons, NCPAC's complaint should be summarily dismissed.

Respectfully submitted,



Roger M. Witten  
Counsel for Common Cause

---

<sup>10/</sup> United States v. UAW, 352 U.S. 567, 589 (1957),  
quoted in AO 1980-20 (emphasis added).

<sup>11/</sup> See, e.g., AO 1980-20 (corporation does not violate § 441b(a) by purchasing newspaper advertisement urging people to vote); AO 1980-95 (contributions by national bank in support of adoption of state constitutional amendments to be considered in conjunction with a federal election does not violate § 441b(a)).

<sup>12/</sup> Exhibit A to Complaint at 1; Wertheimer Aff. ¶ 6.

<sup>13/</sup> Exhibit A to Complaint at 1; Wertheimer Aff. ¶ 6.

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Before the  
Federal Election Commission

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|                                 |   |          |
|---------------------------------|---|----------|
| National Conservative Political | ) |          |
| Action Committee,               | ) |          |
|                                 | ) |          |
| Complainant,                    | ) |          |
|                                 | ) |          |
| v.                              | ) | MUR 1723 |
|                                 | ) |          |
| Common Cause and                | ) |          |
| Fred Wertheimer,                | ) |          |
|                                 | ) |          |
| Respondents.                    | ) |          |

---

AFFIDAVIT OF FRED WERTHEIMER

Washington )  
 ) ss,:  
District of Columbia )

FRED WERTHEIMER, being duly sworn, deposes and  
says:

1. I am President of Common Cause. My business  
address is 2030 M Street, N.W., Washington, D.C. 20036. I  
reside in the District of Columbia.

2. Common Cause is a non-profit, non-partisan  
membership corporation organized in the District of Columbia  
with approximately 260,000 members nationwide. Since its  
inception over a decade ago, Common Cause has advocated  
campaign finance reform to curb the actual and potential  
abuses of private money in Federal elections.

3. I have reviewed and am familiar with the  
complaint filed by the National Conservative Political  
Action Committee against Common Cause and me (as President  
of Common Cause and individually), which has been designated  
MUR 1723.

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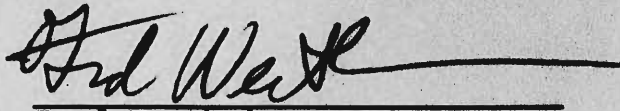
4. The complaint refers to a media campaign that Common Cause has conducted to focus citizen attention on the need for certain campaign finance reforms to curb what Common Cause perceives to be the actual and potential abuses of political action committees ("PACs"). I am personally familiar with that media campaign and participated as President of Common Cause in its conception, organization, and implementation.

5. The media campaign was not designed or intended to influence the outcome of any federal election or to advocate or oppose any candidate for federal office. The statements made in the campaign were carefully tailored to focus in an entirely non-partisan way on the issue of campaign finance reform. The objective of the media campaign was to persuade citizens of the need for campaign finance reform, particularly as regards PACs.

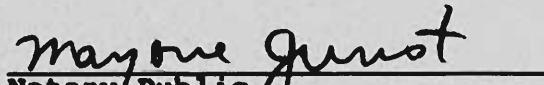
6. Common Cause focused part of its media campaign with respect to this issue in primary states during the primary campaign periods. Common Cause did this because these primary states were, during those periods, national forums which presented Common Cause with opportunities to attract national attention to the PAC issue. Common Cause did not speak out on the PAC issue in primary states during primary periods in order to influence the outcome of the primary elections. Indeed, Common Cause has spoken out against PAC abuses continually and on a national basis for

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several years -- before the primaries in question, in states other than the primary states, and after the primaries in question. And Common Cause will continue to do so, regardless of who is elected in 1984, until the problem is solved.

  
Fred Wertheimer

Subscribed and sworn to before me this 6<sup>th</sup> day of July, 1984.

  
Notary Public

My Commission expires: My Commission Expires November 14, 1988

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WILMER, CUTLER & PICKERING

1885 K STREET, N. W.  
WASHINGTON, D. C. 20006

CABLE ADDRESS: WICRNG WASH, D. C.  
INTERNATIONAL TELEX 440-239  
TELEX 99-8402  
TELEPHONE 202 672-6000

ROGER M. WITTEN  
DIRECT LINE (202)  
672-6170

RECEIVED AT THE FBI  
60  
84 JUN 25 12:32

EUROPEAN OFFICE  
1 COLLEGE HILL  
LONDON, EC4A 3RA, ENGLAND  
TELEPHONE 01-239-2401  
TELEX 981 363846  
CABLE ADDRESS: WICRNG LONDON

June 22, 1984

84 JUN 25 13:31

Anne Weissenborn, Esquire  
General Counsel's Office  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

Re: MUR 1723

Dear Anne:

I am writing to confirm that Common Cause's response to the complaint filed by NCPAC in the matter designated MUR 1723 is due on or before July 6, 1983. In addition, I have enclosed a completed "Statement of Designation of Counsel."

Very truly yours,

*Ry*

Roger M. Witten

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 1723

NAME OF COUNSEL: Roger M. Witten

ADDRESS: Wilmer, Cutler & Pickering

1666 K Street, N.W.

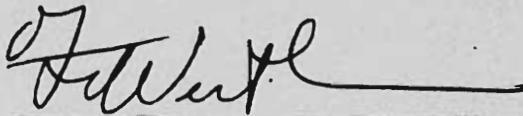
Washington, D.C. 20006

TELEPHONE: (202) 872-6000

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

June 21, 1984

Date



Signature

RESPONDENT'S NAME: Common Cause/Fred Wertheimer, President

ADDRESS: 2030 M Street, N.W.

Third Floor

Washington, D.C. 20036

HOME PHONE: (202) 338-7906

BUSINESS PHONE: (202) 833-1200

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WILMER, CUTLER & PICKERING

1886 K STREET, N. W.  
WASHINGTON, D. C. 20006

84040470736

Anne Weissenborn, Esquire  
General Counsel's Office  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463





**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

June 13, 1984

John T. Dolan, Chairman  
National Conservative PAC  
1001 Prince Street  
Alexandria, Virginia 22314

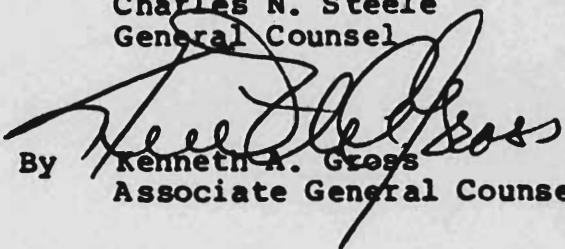
Dear Mr. Dolan:

This letter is to acknowledge receipt of your complaint which we received on June 6, 1984, against Fred Wertheimer and Common Cause, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 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 Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele  
General Counsel

By   
Kenneth A. Gross  
Associate General Counsel

Enclosure

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**FEDERAL ELECTION COMMISSION**  
WASHINGTON, D.C. 20463

June 13, 1984

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Fred Wertheimer, President  
Common Cause  
2030 M. Street, N.W.  
Washington, D.C. 20036

Re: MUR 1723

Dear Mr. Wertheimer:

This letter is to notify you that on June 6, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually, and as president, 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 1723. 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 the committee and you, individually, and as president, 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.

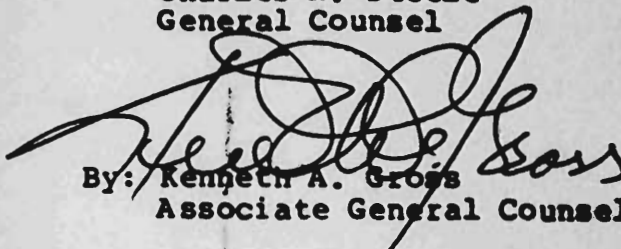
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Anne Weissenborn, the attorney assigned to this matter at (202) 523-4000. 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

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BEFORE THE  
FEDERAL ELECTION COMMISSION  
COMPLAINT

GCC #  
3488

NATIONAL CONSERVATIVE POLITICAL  
ACTION COMMITTEE,

Petitioner,

v.

COMMON CAUSE,

Respondent.

MUR NO. 1723

I. INTRODUCTION

On Tuesday, January 17, 1984, Common Cause, 2030 M Street, N.W., Washington, D.C. 20036, publicly announced that it would spend \$600,000.00 in connection with a media campaign designed to influence the 1984 Presidential and Congressional campaigns. In an open and blatant disregard of the very law Common Cause designed, drafted, promoted and caused to be enacted, the Federal Election Campaign Act of 1971, as amended, Common Cause is now spending hundreds of thousands of dollars in an egregious attempt to influence Federal elections.

Attached, as Exhibit A, is a copy of a statement issued by Common Cause President, Fred Wertheimer, dated January 17, 1984, in which it was reported that beginning on January 18, 1984, Common Cause would start spending \$600,000.00 on five-minute television spots in Iowa, New Hampshire and Boston, Massachusetts. Attached, as Exhibit B, is a copy of an "Information Sheet on Common Cause (sic) Media Campaign," which was also released by Common Cause on January 17, 1984. Those documents display an unequivocal plan and intention to make these expenditures in connection with the Presidential primary campaigns for the purpose of influencing those and other Federal campaigns. Mr. Wertheimer stated:

"Our media campaign will be conducted with the Presidential calendar in mind...with five-minute television spots in Iowa, New Hampshire and Boston, Massachusetts. One and

two minute spots will then air on television and radio throughout the pre-caucus and pre-primary period in those states. The television and radio spots will also run in later Presidential primary and caucus states as the nominating process moves forward."

These plans are confirmed and expanded upon in the "Information Sheet," which explains that radio spots will be aired "on all 56 stations in New Hampshire and on all stations in the top media markets in Iowa." (Emphasis added.)

Common Cause's media blitz during the pre-caucus and pre-primary period is designed to do one thing: to influence the financing of Federal campaigns. Attached, as Exhibit C, is the script of one commercial sponsored by Common Cause. In the commercial, it is asserted that political action committees are "buying influence in the Congress of the United States" and of "trying to buy votes." It includes the following additional inflammatory and unsubstantiated statement: "Democracy can't survive in this country if people are going to be buying and selling votes in the Congress of the United States." It is evident, therefore, that the sole intended purpose of the commercials is to affect the financing of Federal campaigns and to influence the electorate. After all, if Common Cause were truly and solely interested in lobbying for the passage of H.R. 4428, it would confine its activities to the halls of Congress. Instead, using the thinly veiled guise of "grassroots lobbying," Common Cause is bankrolling a massive, carefully designed campaign to influence voters.

Common Cause itself predicts the probable result of its campaign: a reduction in the financing of elections of incumbent Members of Congress. (See page 2 of Exhibit A.) It is evidently the hope of Common Cause that, by spending \$600,000.00 to broadcast its ridiculous allegations about the imminent doom of democracy, that the electorate will be influenced not to vote for Federal candidates who receive contributions from political action committees. As Common Cause points out, the candidates potentially affected are incumbent Members of Congress.

No other conclusion can be drawn than that Common Cause is expending massive sums of money in connection with Federal elections for the purpose of influencing those elections.

## II. THE LAW

Under the Federal Election Campaign Act of 1971, as amended, it is unlawful for any corporation "to make a contribution or expenditure in connection with any election at which presidential and vice presidential electors or a Senate or Representative in...Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices..." 2 U.S.C. 441b(a). Upon information and belief, Common Cause is a corporation and, as a consequence, is subject to the provisions of 2 U.S.C. 441b(a).

The term "expenditure" is defined in the Act to include any payment made by any person for the purpose of influencing any election for Federal office. 2 U.S.C. 431(9)(A). The term "person" includes a corporation. 2 U.S.C. 431(11).

There is nothing in the Federal Election Campaign Act or in the regulations of the Federal Election Commission which suggests that, to be unlawful, a corporate expenditure made in connection with a Federal election must advocate the election or defeat of a clearly identified candidate. The expenditure need only be made for the purpose of influencing a Federal election. Common Cause itself has admitted through its statements and its actions that its expenditure of \$600,000.00 is being made in connection with a Federal election for the purpose of influencing that election. Any conclusion to the contrary would fly in the face of the plain meaning of the statute. One need not even address the fact this conduct violates the "spirit" of the statute, a plea so frequently made by Common Cause.



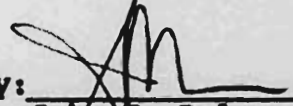
III. CONCLUSION

On the basis of the foregoing, National Conservative Political Action Committee requests that the Federal Election Commission:

1. Conduct a prompt and immediate investigation of the facts and legal conclusions stated in the complaint;
2. Take immediate steps to enjoin Common Cause from flagrantly violating the law; and,
3. Impose the maximum civil penalty upon Common Cause.

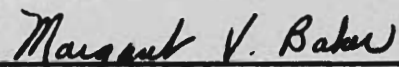
Respectfully submitted,

NATIONAL CONSERVATIVE POLITICAL  
ACTION COMMITTEE

By: 

John T. Dolan, Chairman  
1001 Prince Street  
Alexandria, Virginia 22314  
(703) 684-1800

Subscribed and sworn to before me, a Notary Public, on  
this 5<sup>TH</sup> day of February, 1984.  
JUNE MJD

  
Notary Public

NOTARY LARGE

STATE OF VA.

MY COMMISSION EXPIRES:

4-8-88



# CommonCause

For Release: Tuesday, January 17, 1984

For Information: Elise D. Garcia  
Virginia Sassaman

✓  
STATEMENT OF COMMON CAUSE PRESIDENT FRED WERTHEIMER  
AT PRESS CONFERENCE ANNOUNCING  
NATIONAL MEDIA CAMPAIGN ON PAC ISSUE

8 4 0 4 0 4 7 2 7 4 3  
A 9: 56  
We are today announcing a national media campaign aimed at curbing the dangerous and scandalous role being played by special interest political action committees (PACs) in the United States Congress. Our goal is to make the issue of campaign finance reform a major part of the 1984 political debate.

Our media campaign will be conducted with the Presidential calendar in mind for two reasons. First, Presidential campaigns provide the national forum where issues of great significance to this country should be discussed. Second, we want to drive home the point that no matter who is elected President in November, he is going to face a Congress deeply indebted to special interest PACs -- until the system for financing Congressional campaigns is changed.

Our media campaign is initially budgeted for \$600,000. It will begin tomorrow with five-minute television spots in Iowa, New Hampshire and Boston, Massachusetts. One and two-minute spots will then air on television and radio throughout the pre-caucus and pre-primary period in these states. The television and radio spots will also run in later Presidential primary and caucus states as

the nominating process moves forward. Newspaper and magazine ads will also be used in the campaign.

The dangers inherent in the PAC system have been clear for some time. They are now reaching alarming proportions. Dick Bolling, who served in Congress for more than 30 years as one of its most respected members, says about PAC money and its impact on the political system, "I think it is the issue. I think it is the one issue that has to be solved if we're going to have a democratic process in this country 10 years from now."

We project that PACs will give as much as \$120 million to 1984 Congressional candidates, ten times more than they gave in 1974, and more than double what they gave just four years ago. The cost of living, by comparison, approximately doubled in the ten years between December 1973 and November 1983 and went up by 1/3 between December 1979 and November 1983. In 1983 another 457 new PACs were formed. 59 new PACs were formed in the finance and banking area alone.

PACs distort and undermine the political process in two very basic ways.

First, they substantially tilt the financing of elections in favor of incumbents. In 1982, PACs gave incumbent Members of Congress \$54 million compared with the \$16 million they gave to their challengers, an advantage for incumbents of 3.4 to 1 over their challengers. (The rest of the PAC contributions went to candidates in open races not involving an incumbent). On the other hand non-PAC money only favored incumbents over challengers by 1.3

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to 1 with incumbents totaling \$113,239,448 and challengers \$85,648,987.

We are releasing today the names of 64 PACs that we believe qualify as the "Incumbent Protection PACs" of 1982. Each of these PACs gave more than \$100,000 to Congressional candidates in 1982 and more than eighty percent of their total contributions (including contributions to open races) went to incumbent Members of Congress.

The PAC of the Commodity Exchange, Inc. of New York qualifies, we believe, as the number one "Incumbent Protection PAC of 1982." It gave \$106,600 to Congressional candidates, with \$106,100 or 99 percent going to incumbents. General Electric Co. deserves the title of "Corporate Incumbent Protection PAC of 1982." It gave \$141,525 of \$148,875 or 95 percent to incumbents. And "Labor Incumbent Protection PAC of 1982" goes to the International Air Line Pilots Association which gave \$262,800 of \$280,800 or 94 percent to incumbents. Finally, the American Bankers Association PAC qualifies as the "Big Giver Incumbent PAC of 1982." It gave \$811,285 of \$944,085 or 86 percent to incumbents.

Second, and most important, PAC contributions are directly and improperly influencing public policy decisions in Congress. PACs are becoming the dominant force in the legislative process.

Senator Robert Dole, Chairman of the Senate Finance Committee has put it in perhaps the simplest form. He says, "When these political action committees give money they expect something in return other than good government."

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Representative Barney Frank has said, "We are the only human beings in the world who are expected to take thousands of dollars from perfect strangers on important matters and not be affected by it."

And Business Week magazine said in an editorial following the 1982 election,

"For many candidates PACs are the major source of campaign money. It would be hard to find a PAC that gives solely to support good government. Most see their contribution as an investment in promoting laws favoring their interests. Breaking the link between contributions and expected favors would help officeholders resist the demands of special interests."

Business Week came out in that editorial in favor of financing Congressional races either fully or partially with public funds and of imposing a limit on the aggregate amount of money any candidate could accept from PACs.

The media campaign we are announcing today is part of a broader year-long grassroots lobbying campaign that Common Cause members will conduct throughout the country. We will be working to enlist support for H.R. 4428, the Congressional Campaign Finance Reform Act introduced at the close of the 1983 session by Representatives Dave Obey (D-Wisc), and Jim Leach (R-Ia) and more than 100 of their House colleagues.

Our ultimate goal is to build the national support this year needed to win the legislative showdown on PACs we expect to take place in 1985 in Congress.

We recognize this battle is made all the more difficult because the very Members of Congress who have to vote for a new campaign finance system do extremely well under the present one.

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We believe, however, that there are a large and growing number of Members who have had it with the PAC system and are looking for a way out of this political mess.

We also believe the public strongly objects to PAC influence in Congress. If through our campaign we can turn citizen concern into citizen action, we can help make 1984 the last Congressional election dominated by PACs and PAC money.

84040472747

# Common Cause

For Release: Tuesday, January 17, 1984

For Information: Elise D. Garcia  
Virginia Sassaman

✓  
INFORMATION SHEET ON COMMON CAUSE MEDIA CAMPAIGN

Common Cause is launching a major media campaign to bring national attention to the issue that no matter who is elected President this year, he will face a Congress that will be deeply indebted to special interest political action committees (PACs) -- until the campaign finance system is changed.

The media campaign, which includes one-, two-, and five-minute television spots, is part of the organization's nationwide PEOPLE vs. PACs grassroots lobbying effort to enact passage of H.R. 4428, the Congressional Campaign Finance Reform Act.

The Common Cause effort will begin with an intensive media campaign in Iowa and New England, where the first presidential selections are taking place. Television airings of the 5-minute spot in major media markets in Iowa, New Hampshire and in Boston will kick off this part of the campaign. The shorter versions of the spot will then air throughout the pre-primary and pre-caucus period.

The Common Cause spots will also run in major media markets around the country, including New York, Los Angeles, Chicago, Philadelphia and Washington, D.C. Full-page ads on the need for congressional campaign finance reform will also appear in regional editions of Time and Newsweek magazines.

Other efforts connected with the first stage of this year-long campaign include the airing of radio spots on all 56 stations in New Hampshire and on all stations in the top media markets in Iowa; and full-page ads in The Boston Globe, The Des Moines Register, the Concord Monitor, the Nashua Telegraph and the Manchester Union Leader.

Grassroots lobbying activities will be coordinated with the media efforts throughout the course of the campaign, beginning with the debates, public meetings and other events in Iowa and New Hampshire where Common Cause activists will distribute materials and raise questions concerning the PAC issue. In Iowa, activists will also be working to introduce caucus resolutions calling for campaign finance reform.

# # #

THE COMMON CAUSE TELEVISION AND RADIO SPOTS WERE CREATED BY  
MICHAEL KAYE

840472748

JAN 16 4:56

EXHIBIT C

Common Cause Anti-PAC TV Commercial

VISUAL

AUDIO

Rolling Screen:

"In recent years a new phenomenon exploded on the American scene. It was known simply as a Political Action Committee, PAC for short. Powerful special interest groups quickly discovered that by forming their own PAC, they had the perfect new vehicle for buying influence in the Congress of the United States."

Talking Head:  
(William Broadhead)

"Why do you think that the biggest, smartest, brightest, business people in America are raising millions of dollars, tens of millions of dollars, to give to Members of Congress? They're trying to buy votes - there's no other purpose for it. Labor unions, trade associations, they're all doing the same thing."

Another Voice:  
(Original)

"William Broadhead is a former congressman from Michigan. He chose not to run for re-election after 4 terms in the United States Congress."

Talking Head:  
(Broadhead)

"It must change - it can't go on this way. Democracy can't survive in this country if people are going to be buying and selling votes in the Congress of the United States."

Common Cause  
1 (800) 528-6050  
(written on screen)

Original Voice:

"This message was brought to you by the 250,000 members of Common

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FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1723

Date Filmed 8/24/84 Camera No. --- 1

Cameraman JRL