



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1770

Date Filmed 7/26/85 Camera No. --- 2

Cameraman J. A. G.

85040532383



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Larry P. Weinberg
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Weinberg:

On June 4, 1985, the Commission accepted the counter proposed conciliation agreement signed by your client, which provides for payment of a \$100 civil penalty in settlement of a violation of 2 U.S.C. § 441d(a)(3), a provision of the Federal Election Campaign Act of 1971, as amended. A check for \$100 is due 30 days from June 4, on July 4, 1985.

Upon receipt of this check, the file will be closed in this matter.

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

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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gme

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Senior PAC) MUR 1770
Robert H. Samuel, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 4, 1985, do hereby certify that the Commission decided by a vote of 5-1 to take the following actions in MUR 1770:

1. Accept the Respondents' counterproposal in conciliation of this matter.
2. Close the file after the Commission receives the \$100 civil penalty.
3. Direct the Office of General Counsel to send appropriate letters pursuant to the actions noted above.

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

Attest:

6/5/85
Date

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

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1770
Senior Political Action)
Committee)
Robert H. Samuel, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by the National Conservative Political Action Committee. The Commission found reason to believe that Senior Political Action Committee (Senior PAC) and Robert H. Samuel, as treasurer, ("Respondents") violated 2 U.S.C. § 441d(a)(3) by failing to state on a mailing, which advocated the election of Walter Mondale and solicited contributions, that the mailing was not authorized by either Walter Mondale or his authorized committee. An investigation was conducted.

NOW, THEREFORE, the Commission and Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered into pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

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IV. The pertinent facts in this matter are as follows:

1. Respondent, Senior PAC, is a political committee pursuant to 2 U.S.C. § 431(4)(A).
2. Respondent, Robert H. Samuel, is the treasurer of Senior PAC.
3. In July 1984, Respondents sent out a mailing (approximately 80,600 pieces) which expressly advocated the election of Walter Mondale for President and which solicited contributions to Senior PAC.
4. The mailing stated that it was paid for and authorized by Senior PAC.

V. Pursuant to 2 U.S.C. § 441d(a)(3), whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution, through any direct mailing or any other type of general public advertising, such communication, if not authorized by a candidate or the candidate's authorized political committee, is required to clearly state that the communication is not authorized by any candidate or candidate's committee.

VI. By failing to state on their July 1984 mailing that such mailing was not authorized by Walter Mondale or his authorized committee, Respondents violated 2 U.S.C. § 441d(a)(3).

VII. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of One Hundred Dollars (\$100), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

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

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

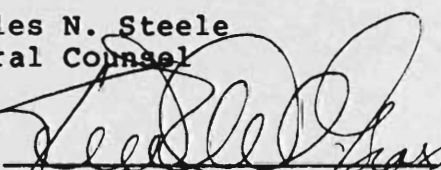
XI. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

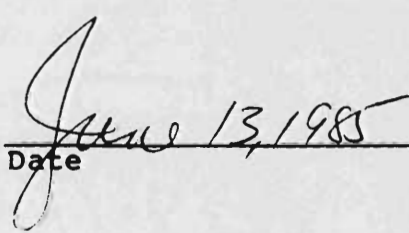
XII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

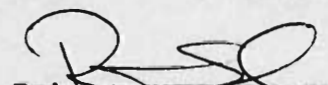
Charles N. Steele
General Counsel

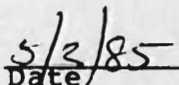
BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


Robert H. Samuel
Treasurer


Date

850405323383



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Weinberg:

This letter is to confirm the Commission's receipt of your proposed conciliation agreement on May 14, 1985. The Commission has reviewed your counterproposal and has rejected it.

In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, this is to inform you that this Office will be proceeding to the next stage of the enforcement process.

If you have any questions, please call Charles Snyder, the attorney handling this matter, at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 2

(6)

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SENSITIVE
BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE FEC
COMM. SECRETARY

In the Matter of)
)
Senior Political Action Committee) MUR 1770
Robert H. Samuel, as treasurer)

25 MAR 11 P2:16

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was initiated by a complaint filed by the National Conservative Political Action Committee. On November 13, 1984, the Commission found reason to believe that Senior Political Action Committee ("Senior PAC") and Robert H. Samuel, as treasurer, had violated 2 U.S.C. § 441d(a)(3) by failing to state on a mailing, which advocated the election of Walter Mondale and solicited contributions, that the mailing was not authorized by either Walter Mondale or the Mondale for President Committee, Inc. The mailing stated that it was paid for and authorized by Senior PAC. In addition, on that same date, the Commission approved questions to be sent to the Respondents.

On November 23, 1984, the Respondents, through counsel, filed a response which answered our questions and requested pre-probable cause conciliation. See Attachment 1.

II. ADDITIONAL VIOLATION/ANALYSIS

Pursuant to 26 U.S.C. § 9012(f), it is unlawful for any political committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election to knowingly and willfully incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an

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authorized committee of such candidates, in an aggregate amount exceeding \$1,000. Thus, section 9012(f) limits independent expenditures by all political committees not authorized by a candidate to \$1,000. Pursuant to 26 U.S.C. § 9002(11)(A), the term "qualified campaign expense" means an expense incurred by the candidate of a political party for the office of President and/or his authorized committee to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both.

According to Senior PAC's reports, the committee has spent \$201,506.04 1/ in independent expenditures in support of Walter Mondale for President (and generally Geraldine Ferraro for Vice President) in the general election. See Attachment 2. Most of the money was spent for direct mail. Although the Supreme Court is presently considering a challenge to the constitutionality of section 9012(f) (see Federal Election Commission v. National Conservative Political Action Committee Nos. 83-1032 and 83-1122 (U.S. -oral argument held November 28, 1984), the General Counsel believes that the Commission should continue to enforce the statute where there are alleged section 9012(f) violations until a ruling from the Supreme Court dictates otherwise. In

1/ This figure is as of the 30 Day Post-General Election Report.

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light of Senior PAC's expenditures, the Office of the General Counsel recommends that the Commission find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 26 U.S.C. § 9012(f). 2/ Due to the knowing and willful aspect of that section, this Office further recommends that the Commission authorize the attached subpoena/order addressed to Mr. Samuel. The questions attached to the subpoena/order attempt to ascertain what Senior PAC and Mr. Samuel knew regarding section 9012(f).

Due to this Office's recommendation to find reason to believe regarding section 9012(f), it is further recommended that the Commission deny Respondents' request for pre-probable cause conciliation with regard to the section 441d violation.

III. RECOMMENDATIONS

1. Find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 2 U.S.C. § 9012(f).
2. Authorize the attached subpoena/order to Robert H. Samuel, as treasurer.
3. Deny Respondents request for pre-probable cause conciliation at this time.

2/ As the complaint in this matter neither alleged nor indicated a violation of section 9012(f), that allegation is considered a new allegation, and, therefore, will be treated as internally generated. Accordingly, a General Counsel's Factual and Legal Analysis will be sent to the Respondents.

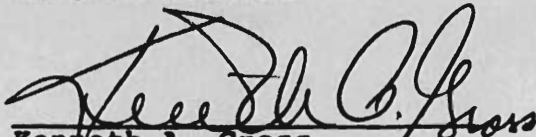
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4. Approve the attached letter and analysis.
5. Approve the attached questions.

Charles N. Steele
General Counsel

3-11-85
Date

By:


Kenneth A. Gross
Associate General Counsel

Attachments

1. Response from counsel
2. Pages from Senior PAC's reports
3. Subpoena/Order
4. Questions
5. Proposed letter
6. General Counsel's Factual and Legal Analysis

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CRAIG BECKER
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November 21, 1984

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 236-4081

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

* ALSO ADMITTED IN VIRGINIA
* NOT ADMITTED IN DISTRICT OF COLUMBIA

OF COUNSEL

DENNIS D. CLARK
BARBARA J. ZARSKY

Marybeth Tarrant, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1770

Dear Ms. Tarrant:

We are in receipt of Chairman Elliott's letter of November 15, 1984 stating that the Commission has found reason to believe that the Respondents have violated 2 U.S.C. §441d(a)(3) in connection with the above-captioned matter. That letter also requested that Respondents answer certain questions which were enclosed with the Commission's letter. Those questions and the Respondents' answers are as follows:

Question 1. How much did the mailing cost?

Answer 1. \$36,608.39*

Question 2. How many pieces of mail were sent out?

Answer 2. 80,600.

Question 3. How much money was collected as a result of the mailing?

Answer 3. \$24,088.28*

* Figures for both the cost of the mailing and the proceeds therefrom are complete as of October 1, 1984. While it is unlikely that either figure will change substantially, it is possible that both are subject to upward revision as a result of additional bills or additional contributions being received by Respondents.

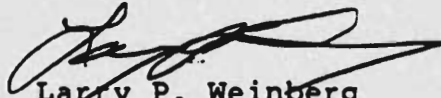
Attachment 1 ①

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Marybeth Tarrant, Esquire
November 21, 1984
Page 2

While Respondents believe that the alleged violation involved in this matter is, at most, an extremely technical one which would not justify further action by the Commission, Respondents wish to avoid any unnecessary or excessive expenditure of resources in continuing to defend against this alleged violation. Therefore, Respondents would like to settle this matter through conciliation prior to a finding or probable cause and request that the General Counsel's office initiate that procedure.

Sincerely,



Larry P. Weinberg
Counsel for Respondents

LPW:mlg

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ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 2 pages

(See Reverse Side for Instructions)

Name of Committee (in Full)			ID No.		
SENIOR PAC			C00 142 251		
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought	
Richard Parker & Assoc. 680 Beach St. San Francisco, CA 94109	direct mail in support of Mondale for President	7/17/84 8/7/84	8092.10	Walter Mondale for President ☒ Support ☐ Oppose	
Richard Parker & Assoc. (same as above)	direct mail in support (opposition) to U.S. Senate candidates	7/17/84 8/7/84	666.66	Strom Thurmond U.S. Senate S. Carolina ☐ Support ☒ Oppose	
(same as above)	" "	"	666.66	William Armstrong U.S. Senate Colorado ☐ Support ☒ Oppose	
(same as above)	"	"	666.66	Tom Harkin U.S. Senate Iowa ☒ Support ☐ Oppose	
(same as above)	"	"	666.66	Norman D'Amours U.S. Senate New Hampshire ☒ Support ☐ Oppose	
(same as above)	"	"	666.66	James Hunt U.S. Senate North Carolina ☒ Support ☐ Oppose	
SUBTOTAL of itemized independent expenditures			\$ 11,425.40		
SUBTOTAL of unitemized independent expenditures			\$		
TOTAL independent expenditures			\$		

Under penalty of perjury, I certify that the independent expenditures reported here were not made in cooperation, consultation, concert with, or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not have the financial backing of a candidate or authorized committee or in whole or in part of any campaign material prepared by the candidate or authorized committee or their agent.

Signature

Date

Subscribed and sworn to before me on 11/14 1984

[Signature]
Notary Public

My Commission Expires 11/30/84

[Signature]
Notary Public

[Signature]
Notary Public

Attachment 2

(3)

SCHEDULE 1

ITEMIZED INDEPENDENT EXPENDITURES

... 2 2 ...

(See Reverse Side for Instructions)

Name of Committee (in Full) SENIOR PAC			ID No. C00142521	
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month day year)	Amount	Name of Federal Candidate Suggested or Assisted by the Expenditure & Office Sought
Richard Parker & Assoc. 680 Beach St San Francisco, CA 94109	direct mail in support of Pres. candidate & printing of flyers	8/27/84 8/29/84	24,647.65	Walter Mondale President ☒ Support ☐ Oppose
Richard Parker & Assoc. (same as above)	direct mail in support of (opposition to) Senate candidates	" "	733.33	John Warner U.S. Senate Virginia ☐ Support ☒ Oppose
(same as above)	"	" "	733.33	Tom Harkin U.S. Senate Iowa ☒ Support ☐ Oppose
(same as above)	"	" "	733.33	William Armstrong U.S. Senate Colorado ☐ Support ☒ Oppose
(same as above)	"	" "	733.33	Strom Thurmond U.S. Senate South Carolina ☐ Support ☒ Oppose
(same as above)	"	" "	733.33	James Hunt U.S. Senate North Carolina ☒ Support ☐ Oppose
a. SUBTOTAL of Itemized Independent Expenditures			\$28,314.30	
b. SUBTOTAL of Unitemized Independent Expenditures			\$	
c. TOTAL Independent Expenditures			\$	

Under penalty of perjury, certify that the independent expenditures reported herein were not made in cooperation, consultation, concert with, or at the request, suggestion or of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not involve the financing of a campaign or distribution or republication in whole or in part of any campaign materials prepared by the candidate, his campaign committee, or the agent.

Signature SC Date 10/1/84

Submitted and verified by October 1984
My Commission Expires 4/30/84

1/10
Julius A. Mitchell

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SCHEDULE I

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 1 Page

(See Reverse Side for Instructions)

Name of Committee (in Full)				ID No
SENIOR PAC				C00 142 521
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month, day, year)	Amount	Name of Federal Candidate supported or opposed by the expenditure & office sought
Richard Parker & Assoc. 680 Beach St. San Francisco, CA 94109	direct mail supporting Walter Mondale and Geraldine Ferraro for Pres. & V.P.	9/21/84 9/26/84	37,134.76	Pres. & VP Walter Mondale & Geraldine Ferraro ☐ Support ☐ Oppose
Postmaster DC Washington, DC 20001	express mail	9/7/84	18.70	Mondale & Ferraro Pres. & VP ☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
				☐ Support ☐ Oppose
a. SUBTOTAL of itemized independent expenditures			\$	
b. SUBTOTAL of unitemized independent expenditures			\$	
c. TOTAL independent expenditures			\$	37,153.46

Under penalty of perjury, I certify that the independent expenditures reported here were not made in cooperation, consultation, concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures did not have the financing of dissemination or distribution or reproduction or a whole or a part of any campaign material prepared by the candidate or his campaign committee or their agent.

Signature

Date

Subscribed and sworn to before me this 10th day of September 1984.

My Commission Expires

5

ITEMIZED INDEPENDENT EXPENDITURES

Page 1 of 1 Page

(See Reverse Side for Instructions)

Name of Committee (in Full)			ID No.	
SENIOR PAC			C00142 521	
Full Name, Mailing Address & ZIP Code of Each Payee	Purpose of Expenditure	Date (month day year)	Amount	Name of Federal Candidate Suggested or Assisted by the Expenditure & Office Sought
Richard Parker & Assoc. 680 Beach Street San Francisco, CA 94109	mailings	debt	109,200	Walter Mondale & Ferraro President & V.P. ☒ S. 0000 ☐ C. 0000
Richard Parker & Assoc. (same as above)	mailings	10/4/84 10/12/84	22,412.83	(same as above) ☐ S. 0000 ☐ C. 0000
				☐ S. 0000 ☐ C. 0000
				☐ S. 0000 ☐ C. 0000
				☐ S. 0000 ☐ C. 0000
				☐ S. 0000 ☐ C. 0000
				☐ S. 0000 ☐ C. 0000
a. SUBTOTAL of Itemized Independent Expenditures			\$	
b. SUBTOTAL of Unitemized Independent Expenditures			\$	
c. TOTAL Independent Expenditures			\$	131,612.83

Under penalty of perjury, I certify that the independent expenditures reported hereon were not made in coordination, consultation, concert with or at the request of, support of or for any candidate or any authorized committee or agent of such candidate or authorized committee. Furthermore, these expenditures do not involve the financing of dissemination, distribution or republication in whole or in part of any campaign material prepared by the candidate, his campaign committee or their agent.



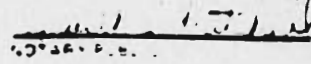
Signature

10/26/84
Date

Submitted and sworn to before me this _____ day of _____, 1984.

My Commission Expires _____





6

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Senior PAC) MUR 1770
Robert H. Samuel, as treasurer)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Robert H. Samuel, Treasurer
Senior PAC
1302 - 18th Street, N.W.
Washington, D.C. 20036

Pursuant to 2 U.S.C. § 437d(a)(1) and (3) and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and Subpoenas you to produce requested documents.

Such answers must be submitted under oath and must be forwarded to the Commission within 10 days of your receipt of this Order/Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this day of , 1985.

John W. McGarry
Chairman

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions

Attachment 3

⑦

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MUR 1770
Robert H. Samuel

**QUESTIONS PURSUANT TO ORDER
SUBPOENA TO PRODUCE DOCUMENTS**

According to reports filed with the Commission by Senior PAC and Robert H. Samuel, as treasurer, the committee has spent \$201,506.04 (as of the 30 Day Post-General Election Report) in independent expenditures in support of Walter Mondale for President (and generally Geraldine Ferraro for Vice President) in the 1984 general election. In this regard, please answer the following:

1. Identify, including name and position held, all persons who made the decision that Senior PAC would make expenditures on behalf of Walter Mondale for President in the 1984 general election.
2. State whether the person(s) who made such a decision were aware of 26 U.S.C. § 9012(f) at the time the expenditures were made.
3. State whether you were aware of 26 U.S.C. § 9012(f) at the time the expenditures were made.

If so, explain why the expenditures were made.

4. State whether you and/or any agent of Senior PAC communicated with Walter Mondale and/or any agent of the Mondale/Ferraro Committee, Inc. regarding these expenditures.

If so, please explain the extent and content of each such communication and identify the persons involved in the communication.

Attachment 4

⑧

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5. State whether you and/or any agent of Senior PAC were aware that these expenditures would be in violation of 26 U.S.C. § 9012(f).

If not, why not?

6. State your understanding at the time these expenditures were made regarding 26 U.S.C. § 9012(f).

7. State when and how Senior PAC first was made aware of 26 U.S.C. § 9012(f).

8. State when and how you first were made aware of 26 U.S.C. § 9012(f).

9. For each mailing sent out in support of Walter Mondale for President in the 1984 general election, please specify how many pieces of mail were sent out.

10. Please specify the number of flyers distributed by means other than the mail, in support of Walter Mondale for President in the 1984 general election.

11. Please furnish a copy of each variation of direct mail that Senior PAC sent out in support of Walter Mondale for President in the 1984 general election.

12. Please furnish a copy of each flyer that Senior PAC distributed in support of Walter Mondale for President in the 1984 general election.

35040532402



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Weinberg:

On November 13, 1984, the Federal Election Commission determined that there is reason to believe that your clients had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On November 23, 1984, this Office received a request for pre-probable cause conciliation from you on behalf of your clients.

Consequently, upon further review of the reports filed with the Commission by your clients, the Commission, on March , 1985, determined that Senior PAC and Robert H. Samuel, as treasurer, had violated 26 U.S.C. § 9012(f), a provision of Chapter 95 of Title 26, U.S. Code. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding is attached for your information. Due to this additional finding, the Commission also determined to deny your request for pre-probable cause conciliation at this time.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit such materials along with a response to the enclosed Order to Answer Questions/Subpoena to Produce Documents. It is required

Attachment 5

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35040532403

Letter to Larry P. Weinberg
Page 2

that the information be submitted under oath and within ten days of your receipt of this order/subpoena.

In the absence of any additional information which demonstrates that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be 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 investigation to be made public.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4143.

Sincerely,

John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Subpoena/Order
Questions

85040532404

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1770

RESPONDENTS Senior PAC
Robert H. Samuel, as treasurer

SUMMARY OF ALLEGATIONS

It is alleged that Senior PAC and Robert H. Samuel, as treasurer, violated 26 U.S.C. § 9012(f) by making at least \$201,506.04 in independent expenditures on behalf of Walter Mondale for President in the 1984 general election.

FACTUAL BASIS AND LEGAL ANALYSIS

Pursuant to 26 U.S.C. § 9012(f), it is unlawful for any political committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election to knowingly and willfully incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding \$1,000. Thus, section 9012(f) limits independent expenditures by all political committees not authorized by a candidate to \$1,000. 1/ Pursuant to 26 U.S.C. § 9002(11)(A), the term "qualified campaign expense" means an expense incurred by

1/ Although the Supreme Court is presently considering a challenge to constitutionality of section 9012(f) (see Federal Election Commission v. National Conservative Political Action Committee Nos. 83-1032 and 83-1122 (U.S. -oral argument held November 28, 1984), the General Counsel believes that the Commission should continue to enforce the statute where there are alleged section 9012(f) violations until a ruling from the Supreme Court dictates otherwise.

Attachment 6

12

the candidate of a political party for the office of President and/or his authorized committee to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both.

According to Senior PAC's reports, the committee has spent \$201,506.04 2/ in independent expenditures in support of Walter Mondale for President (and generally Geraldine Ferraro for Vice President) in the general election. Most of the money was spent for direct mail. In light of Senior PAC's expenditures, the Office of the General Counsel recommends that the Commission find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 26 U.S.C. § 9012(f).

2/ This figure is as of the 30 Day Post-General Election Report.

35040532406

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Senior PAC) MUR 1770
Robert H. Samuel, as treasurer)

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

TO: Robert H. Samuel, Treasurer
Senior PAC
1302 - 18th Street, N.W.
Washington, D.C. 20036

Pursuant to 2 U.S.C. § 437d(a)(1) and (3) and in furtherance of its investigation in the above-styled matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and Subpoenas you to produce requested documents.

Such answers must be submitted under oath and must be forwarded to the Commission within 10 days of your receipt of this Order/Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this day of , 1985.

John W. McGarry
Chairman

ATTEST:

Marjorie W. Emmons
Secretary to the Commission

Attachment
Questions

85040532407

MUR 1770
Robert H. Samuel

**QUESTIONS PURSUANT TO ORDER
SUBPOENA TO PRODUCE DOCUMENTS**

According to reports filed with the Commission by Senior PAC and Robert H. Samuel, as treasurer, the committee has spent \$201,506.04 (as of the 30 Day Post-General Election Report) in independent expenditures in support of Walter Mondale for President (and generally Geraldine Ferraro for Vice President) in the 1984 general election. In this regard, please answer the following:

1. Identify, including name and position held, all persons who made the decision that Senior PAC would make expenditures on behalf of Walter Mondale for President in the 1984 general election.
2. State whether the person(s) who made such a decision were aware of 26 U.S.C. § 9012(f) at the time the expenditures were made.
3. State whether you were aware of 26 U.S.C. § 9012(f) at the time the expenditures were made.

If so, explain why the expenditures were made.

4. State whether you and/or any agent of Senior PAC communicated with Walter Mondale and/or any agent of the Mondale/Ferraro Committee, Inc. regarding these expenditures.

If so, please explain the extent and content of each such communication and identify the persons involved in the communication.

85040532408

5. State whether you and/or any agent of Senior PAC were aware that these expenditures would be in violation of 26 U.S.C. § 9012(f).

If not, why not?

6. State your understanding at the time these expenditures were made regarding 26 U.S.C. § 9012(f).

7. State when and how Senior PAC first was made aware of 26 U.S.C. § 9012(f).

8. State when and how you first were made aware of 26 U.S.C. § 9012(f).

9. For each mailing sent out in support of Walter Mondale for President in the 1984 general election, please specify how many pieces of mail were sent out.

10. Please specify the number of flyers distributed by means other than the mail, in support of Walter Mondale for President in the 1984 general election.

11. Please furnish a copy of each variation of direct mail that Senior PAC sent out in support of Walter Mondale for President in the 1984 general election.

12. Please furnish a copy of each flyer that Senior PAC distributed in support of Walter Mondale for President in the 1984 general election.

85040532409

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1770
Senior Political Action)
Committee)
Robert H. Samuel, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on April 4, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1770:

1. Enter into pre-probable cause conciliation with Senior PAC and Robert H. Samuel, as treasurer.
2. Approve the conciliation agreement submitted with the General Counsel's Report signed April 1, 1985.
3. Approve the letter attached to the General Counsel's Report signed April 1, 1985.

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

Attest:

4-4-85

Date

Jody C. Ransom
for Marjorie W. Emmons
Secretary of the Commission

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

4-1-85, 4:13
4-2-85, 11:00

85040532410



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Weinberg:

On November 13, 1984, the Federal Election Commission determined that there is reason to believe that your clients had violated 2 U.S.C. § 441d, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). On November 23, 1984, this Office received a request for pre-probable cause conciliation from you on behalf of your clients.

Consequently, upon further review of the reports filed with the Commission by your clients, the Commission, on March , 1985, determined that Senior PAC and Robert H. Samuel, as treasurer, had violated 26 U.S.C. § 9012(f), a provision of Chapter 95 of Title 26, U.S. Code. The General Counsel's factual and legal analysis, which formed a basis for the Commission's finding is attached for your information. Due to this additional finding, the Commission also determined to deny your request for pre-probable cause conciliation at this time.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your clients. You may submit any factual or legal materials which you believe are relevant to the Commission's consideration of this matter. Please submit such materials along with a response to the enclosed Order to Answer Questions/Subpoena to Produce Documents. It is required

85040532411

Letter to Larry P. Weinberg
Page 2

that the information be submitted under oath and within ten days of your receipt of this order/subpoena.

In the absence of any additional information which demonstrates that no further action should be taken against your clients, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation. Of course, this does not preclude the settlement of this matter through conciliation prior to a finding of probable cause to believe if you so desire.

The investigation now being conducted will be 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 investigation to be made public.

If you have any questions, please contact Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4143.

Sincerely,

John Warren McGarry
Chairman

Enclosures

General Counsel's Factual and Legal Analysis
Subpoena/Order
Questions

8 5 0 4 0 5 3 2 4 1 2

GENERAL COUNSEL'S FACTUAL AND LEGAL ANALYSIS

MUR 1770

RESPONDENTS Senior PAC
Robert H. Samuel, as treasurer

SUMMARY OF ALLEGATIONS

It is alleged that Senior PAC and Robert H. Samuel, as treasurer, violated 26 U.S.C. § 9012(f) by making at least \$201,506.04 in independent expenditures on behalf of Walter Mondale for President in the 1984 general election.

FACTUAL BASIS AND LEGAL ANALYSIS

Pursuant to 26 U.S.C. § 9012(f), it is unlawful for any political committee with respect to the eligible candidates of a political party for President and Vice President in a presidential election to knowingly and willfully incur expenditures to further the election of such candidates, which would constitute qualified campaign expenses if incurred by an authorized committee of such candidates, in an aggregate amount exceeding \$1,000. Thus, section 9012(f) limits independent expenditures by all political committees not authorized by a candidate to \$1,000. 1/ Pursuant to 26 U.S.C. § 9002(11)(A), the term "qualified campaign expense" means an expense incurred by

1/ Although the Supreme Court is presently considering a challenge to constitutionality of section 9012(f) (see Federal Election Commission v. National Conservative Political Action Committee Nos. 83-1032 and 83-1122 (U.S. -oral argument held November 28, 1984), the General Counsel believes that the Commission should continue to enforce the statute where there are alleged section 9012(f) violations until a ruling from the Supreme Court dictates otherwise.

the candidate of a political party for the office of President and/or his authorized committee to further his election to such office or to further the election of the candidate of such political party for the office of Vice President, or both.

According to Senior PAC's reports, the committee has spent \$201,506.04 2/ in independent expenditures in support of Walter Mondale for President (and generally Geraldine Ferraro for Vice President) in the general election. Most of the money was spent for direct mail. In light of Senior PAC's expenditures, the Office of the General Counsel recommends that the Commission find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 26 U.S.C. § 9012(f).

2/ This figure is as of the 30 Day Post-General Election Report.

85040532414

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG
SUITE 800
1100 17TH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 775-8900

RICHARD KIRSCHNER
LARRY P. WEINBERG
JOHN C. DEMPSEY†
JONATHAN K. WALTERS
DEBORAH R. WILLIG

ALAINE S. WILLIAMS*
MARILYN S. MAY*
ROBERT T. FENDT*
ROBERT TIM BROWN*
MARTHA WALFOOT
LEE W. JACKSON
STUART W. DAVIDSON*
CRAIG BECKER
JOHN J. SULLIVAN

† ALSO ADMITTED IN VIRGINIA
* NOT ADMITTED IN DISTRICT OF COLUMBIA

PHILADELPHIA OFFICE
SUITE 1100
1429 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) 588-8900

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 238-4081

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

OF COUNSEL
DENNIS D. CLARK
BARBARA J. PARSKY

November 21, 1984

Marybeth Tarrant, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1770

Dear Ms. Tarrant:

We are in receipt of Chairman Elliott's letter of November 15, 1984 stating that the Commission has found reason to believe that the Respondents have violated 2 U.S.C. §441d(a)(3) in connection with the above-captioned matter. That letter also requested that Respondents answer certain questions which were enclosed with the Commission's letter. Those questions and the Respondents' answers are as follows:

Question 1. How much did the mailing cost?

Answer 1. \$36,608.39*

Question 2. How many pieces of mail were sent out?

Answer 2. 80,600.

Question 3. How much money was collected as a result of the mailing?

Answer 3. \$24,088.28*

* Figures for both the cost of the mailing and the proceeds therefrom are complete as of October 1, 1984. While it is unlikely that either figure will change substantially, it is possible that both are subject to upward revision as a result of additional bills or additional contributions being received by Respondents.

RECEIVED AT THE FEC
GCC#5759

84 NOV 23 49:28

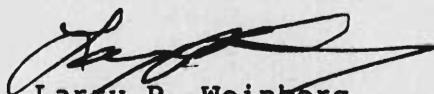
NOV 23 10:51

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Marybeth Tarrant, Esquire
November 21, 1984
Page 2

While Respondents believe that the alleged violation involved in this matter is, at most, an extremely technical one which would not justify further action by the Commission, Respondents wish to avoid any unnecessary or excessive expenditure of resources in continuing to defend against this alleged violation. Therefore, Respondents would like to settle this matter through conciliation prior to a finding or probable cause and request that the General Counsel's office initiate that procedure.

Sincerely,



Larry P. Weinberg
Counsel for Respondents

LPW:mlg

85040532416

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

FILED
FEC
COMM. SECRETARY

In the Matter of)
Senior Political Action)
Committee)
Robert H. Samuel, as treasurer)

MUR 1770

NOV 14 1984

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This matter was initiated by a complaint filed by the National Conservative Political Action Committee. On November 13, 1984, the Commission found reason to believe that Senior Political Action Committee ("Senior PAC") and Robert H. Samuel, as treasurer, had violated 2 U.S.C. § 441d(a)(3) by failing to state on a mailing, which advocated the election of Walter Mondale and solicited contributions, that the mailing was not authorized by either Walter Mondale or his authorized committee. The mailing stated that it was paid for and authorized by Senior PAC. In addition, on that same date, the Commission approved questions to be sent to the Respondents.

On November 23, 1984, the Respondents, through counsel, filed a response which answered our questions and requested pre-probable cause conciliation. See Attachment 1.

II. LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d(a), whenever any person makes an expenditure for the purpose of financing a communication expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing or any other type of general public political

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advertising, such communication if not authorized by a candidate, an authorized political committee of a candidate, or its agents, is required to clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate, candidate's committee or agents.

In July 1984, the Respondents sent out a mailing which expressly advocated the election of Walter Mondale for President and which solicited contributions to Senior PAC. The mailing stated that it was paid for and authorized by Senior PAC. It failed to state that it was not authorized by Walter Mondale or his authorized committee. According to the Respondents, the mailing cost \$36,608.39 and 80,600 pieces of mail were sent out. When a follow-up mailing was sent out in early September 1984, prior to receipt of the complaint, the disclaimer on the mailing read: "Paid for and authorized by Senior PAC. Not paid for or authorized by any candidate or candidate's committee."

In light of Respondents' request, the Office of the General Counsel recommends that the Commission enter into pre-probable cause conciliation with the Respondents.

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IV. RECOMMENDATIONS

1. Enter into pre-probable cause conciliation with Senior PAC and Robert H. Samuel, as treasurer.
2. Approve the attached conciliation agreement.
3. Approve the attached letter.

Charles N. Steele
General Counsel

April 1, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Letter from counsel
2. Proposed letter
3. Conciliation Agreement

85040532419



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Robert H. Samuel, Treasurer
Senior Political Action Committee
1302 18th Street, NW, Suite 302
Washington, DC 20036

Identification Number: C00142521

Reference: February Monthly (1/1/84-1/31/84), March Monthly
(2/1/84-2/29/84), April Monthly (3/1/83-3/31/84), and
May Monthly (4/1/84-4/30/84) Reports

Dear Mr. Samuel:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-In your letter of July 6, 1984, you stated that a significant percentage of your committee's operating expenditures should have been reported as independent expenditures. You indicated this problem would be corrected and amendments would be filed in a few weeks, however, as of this date the Commission has no record of these amendments.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Robyn Jameson
Reports Analyst
Reports Analysis Division

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Robert Samuel, Treasurer
Senior Political Action
Committee
1302 18th Street, NW, Suite 302
Washington, DC 20036

Identification Number: C00142521

Reference: August Monthly (7/1/84-7/31/84) and September Monthly
(8/1/84-8/31/84) Reports

Dear Mr. Samuel:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Your reports disclose a negative ending cash balance. This suggests that you have either overdrawn your account, made a mathematical error, or incurred a debt. If your committee has incurred a debt or obligation, please show a zero balance on Line 8 of the Summary Page and reflect the amount and the nature of the debt on Schedule D and Line 10. 2 U.S.C. §434(b)(8).

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Robyn Jameson
Reports Analyst
Reports Analysis Division

85040532421



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Robert Samuel, Treasurer
Senior Political Action
Committee
1302 18th Street, NW
Suite 302
Washington, DC 20036

Identification Number: C00142521

Reference: 30 Day Post-General Report (10/17/84-11/26/84)

Dear Mr. Samuel:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Your report discloses an apparent contribution(s) from a corporation(s) (pertinent portion attached). You are advised that a contribution from a corporation is prohibited by the Act, unless made from a separate segregated fund established by the corporation. (2 U.S.C. §441b(a)) If you have received a corporate contribution(s), the Commission recommends that you refund the full amount to the donor(s) or transfer the funds to a non-Federal account. Please inform the Commission immediately in writing and provide a photocopy of your check for the refund or transfer-out. In addition, the disbursement should be disclosed on a supporting Schedule B for Line 26 or 27 of your next report.

If the contribution(s) in question was incorrectly reported and/or you have additional information, you may wish to submit documentation for the public record.

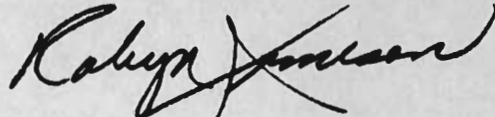
Although the Commission may take further legal steps concerning the acceptance of a prohibited contribution, prompt action by your committee to refund or transfer-out the amount will be taken into consideration.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need

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assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,



Robyn Jameson
Reports Analyst
Reports Analysis Division

85040532423

104003

Use Schedule D
for secured debts
for each combined debt

Name of Guarantor (in Full)

SENIOR SAC

A. Full Name, Mailing Address and ZIP Code of Loan Source

Howard D. Samuel
4620 North Park Avenue
Bryn Mawr, Pa. 19010

Original Amount
of Loan

2000.00

Cumulative Payments
To Date

-0-

Balance Outstanding at
Close of This Period

2000.00

Terms: Date Issued 4/15/83 & 4/27/83

Interest Rate 12/24 (APR)

- 0 Secured

List All Endorsers or Guarantors (if any) to Form A

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

B. Full Name, Mailing Address and ZIP Code of Loan Source

Richard Parker & Associates
680 Beach St.
San Francisco, CA 94109

Original Amount
of Loan

15,000

Cumulative Payments
To Date

-0-

Balance Outstanding at
Close of This Period

15,000

Design: ☐ Primary ☐ Guaranty ☐ Other (specify)

8/17/78

Terms: Date Issued 12/11/83 Date Due 12/31/84 Interest Rate 12/24 (APR)

- 0 Secured

List All Endorsers or Guarantors (if any) to Form B

1. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

2. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

3. Full Name, Mailing Address and ZIP Code

Name of Employer

Occupation

Amount Guaranteed Outstanding

SUBTOTALS This Period This Page (optional)

TOTALS This Period (last page in this line only)

17,000.00

Carry outstanding balance only to LINE 3, Schedule D for this line. If no Schedule D carry forward to appropriate line of Summary.

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728



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

Robert Samuel, Treasurer
Senior Political Action Committee
1302 18th Street, NW, Suite 302
Washington, DC 20036

Identification Number: C00142521

Reference: Year End Report (11/26/84-12/31/84)

Dear Mr. Samuel:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-2 U.S.C. §434(b)(6)(B)(iii) requires that the supporting schedule for disclosing independent expenditures be signed by the treasurer and certified by a notary public. This is to attest to the fact that the expenditures were not made in cooperation, consultation, or consent with, or at the request or suggestion of any candidate, or any authorized committee or agent of such committee. Please amend Schedule E accordingly.

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 523-4048.

Sincerely,

Robyn Jameson
Reports Analyst
Reports Analysis Division

35040532425

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1770
Senior Political Action Committee)
Robert H. Samuel, Treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 13, 1984, the Commission decided by a vote of 6-0 to take the following actions in MUR 1770:

1. Find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 2 U.S.C. § 441d(a)(3).
2. Approve the letter attached to the First General Counsel's Report dated November 8, 1984.
3. Approve the questions attached to the First General Counsel's Report dated November 8, 1984.

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

Attest:

11-13-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

11-8-84, 8:19
11-8-84, 11:00

85040532426

SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

84 NOV 8 A8:19

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION 11/8/84-8:15

MUR # 1770
DATE COMPLAINT RECEIVED
BY OGC 8/30/84
DATE OF NOTIFICATION TO
RESPONDENT 9/10/84
STAFF MEMBER M. Tarrant

COMPLAINANT'S NAME: National Conservative Political
Action Committee

RESPONDENTS' NAMES: Senior Political Action Committee
Robert H. Samuel, as treasurer

RELEVANT STATUTE: 2 U.S.C. § 441d(a)(3)

INTERNAL REPORTS CHECKED: Reports filed by Senior Political
Action Committee

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Complainant has alleged that Senior Political Action
Committee ("Senior PAC") */ has violated 2 U.S.C. § 441d(a) by
financing a communication which advocated the election of Walter
Mondale but which failed to state whether or not the
letter/solicitation was authorized by Walter Mondale or the
Mondale for President Committee, Inc. The letter/solicitation
states that it was paid for and authorized by Senior PAC.

FACTUAL AND LEGAL ANALYSIS

Pursuant to 2 U.S.C. § 441d(a)(3), whenever any person makes
an expenditure for the purpose of financing communications

*/ On June 15, 1981, Senior PAC registered as a political
committee with the Commission. It has no connected organization
and is considered a non-party committee. As of this date, Senior
PAC has had total receipts of \$623,686 and total disbursements of
\$724,485 for the 1983/1984 election cycle.

85040532427

expressly advocating the election of a clearly identified candidate, or solicits any contribution through any direct mailing or any other type of general public political advertising, such communication if not authorized by a candidate, an authorized political committee of a candidate, or its agents, is required to clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

On October 9, 1984, counsel for the Respondents filed a response to the complaint stating that the communication in question was not authorized by either Walter Mondale or the Mondale for President Committee, Inc. See Attachment 1. In addition, counsel stated that although the disclaimer used by Senior PAC did not use the exact language of section 441d(a)(3), that nonetheless the disclaimer did meet the requirements of the Act. According to counsel, the disclaimer used conveyed the required information i.e., that the mailing was paid for and authorized by Senior PAC rather than any candidate or candidate's committee. Counsel claims that neither the Act nor the Commission's regulations require a verbatim restatement of section 441d(a)(3) in communications to which that section applies.

In further defense of his clients, counsel states that assuming arguendo the disclaimer did omit the required information, such an omission was inadvertent and corrected by the Respondents on a subsequent mailing prior to receipt of the

85040532428

complaint. The mailing attached to the complaint was sent out in July 1984. When a second mailing went out in early September the disclaimer on the mailing read "Paid for and authorized by Senior PAC. Not paid for or authorized by any candidate or candidate's committee." See Attachment 2. In light of this, counsel asks that no further action be taken against his clients.

Based on the fact that the July 1984 mailing did advocate the election of Walter Mondale and did solicit contributions but did not state that the mailing was not authorized by Walter Mondale or the Mondale for President Committee, Inc., the Office of the General Counsel recommends that the Commission find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 2 U.S.C. § 441d(a)(3). The fact that the mailing did state that it was authorized by Senior PAC is not in and of itself sufficient to meet the requirements of the Act. Such a statement does not necessarily imply that the communication was not authorized by Walter Mondale.

RECOMMENDATIONS

1. Find reason to believe that Senior PAC and Robert H. Samuel, as treasurer, violated 2 U.S.C. § 441d(a)(3).
2. Approve the attached letter.

85040532429

3. Approve the attached questions.

Charles N. Steele
General Counsel

Nov. 7, 1984
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments

1. Response filed by counsel
2. Second mailing
3. Proposed letter
4. Proposed questions

85040532430

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG
SUITE 800
1100 17TH STREET, N.W.
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(202) 775-5900

PHILADELPHIA OFFICE
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1429 WALNUT STREET
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(215) 569-8900

October 4, 1984

ALAINE S. WILLIAMS*
MARILYN S. MAY*
ROBERT T. FENDT*
ROBERT TIM BROWN*
BARBARA KRAFT
MARTHA WALFOORT
LEE W. JACKSON
STUART W. DAVIDSON*
CRAIG BECKER

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 233-8618

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

† ALSO ADMITTED IN VIRGINIA
* NOT ADMITTED IN DISTRICT OF COLUMBIA

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

RE: MUR 1770.

Dear Mr. Steele:

Pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6, respondents Senior Political Action Committee (Senior PAC) and its treasurer Robert H. Samuel, respectfully request, for the reasons stated below, that the Federal Election Commission take no action against it with respect to the matters alleged in the complaint filed by the National Conservative Political Action Committee (NCPAC).

In its complaint, NCPAC alleges that Senior PAC was responsible for a mailing "which advocates the election of Walter Mondale" and that "the notification of sponsorship should have included the statement required by 2 U.S.C. §441d(a)(3) if, in fact, it was not authorized by Mondale for President." Since the mailing solicits contributions to Senior PAC and advocates the election of Walter Mondale, through the use of direct mail, NCPAC charges that the communication in question "if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee." (2 U.S.C. §441d(a)(3)).

At the outset, respondents will state categorically that the communication was not authorized by Mondale for President or any other committee or candidate. Respondents will concede that the mailing in question was subject to the disclaimer requirement of §441d(a)(3) for purposes of this MUR. Respondents will further

Attachment 1 ①

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Charles N. Steele, Esq.

October 4, 1984

Page 2

concede that the disclaimer required by that section is a two-part disclaimer: that is, it requires that the communication (1) "shall clearly state the name of the person who paid for the communication" and (2) state "that the communication is not authorized by any candidate or candidate's committee." And finally, Respondents will concede that the mailing in question did not use the exact language of §441d(a)(3), although it clearly contained language -- "Paid for and authorized by Senior PAC" -- having the same basic meaning, which was stated three times in the course of the communication, much more than is required under the Act or the Commission's regulations.

Respondents submit that neither the Act nor the Commission's regulations require that the §441d(a)(3) disclaimer be a verbatim repetition of the language of that sub-section. The language used by Respondents conveyed the information Congress sought in §441d(a)(3) in that it informed the reader that the communication in question was paid for by Senior PAC and authorized by Senior PAC, rather than any candidate or candidate's committee.

Even if the Commission concludes that the disclaimer used by Respondents in this mailing was inadequate and in violation of the Act, Respondents submit that this violation is, at most, an extremely technical one, that was corrected in subsequent mailings by Respondent Senior PAC. Therefore, further proceedings in this matter would serve no purpose sought to be achieved under the Federal Election Campaign Act of 1971, as amended.

For these reasons, as will be discussed more fully below, Respondents respectfully request that the Commission take no action with respect to the matters alleged in the complaint filed by NCPAC, and that it dismiss the complaint.

Respondents submit that the disclaimer at issue herein concealed no information the disclosure of which was sought by the enactment of §441d(a)(3). The disclaimer advised the reader who had paid for the communication and who had authorized it. Surely after stating that the communication was authorized by Senior PAC, there is no requirement that the disclaimer go on to state the obvious -- that it was not authorized by anyone else. As noted above, neither the Act nor the Commission's regulations require a verbatim restatement of §441d(a)(3) in communications to which that section applies. Had Congress sought such a verbatim restatement it would have stated the disclaimer in quotation marks, as it did with the disclaimer which was required by the now repealed 2 U.S.C. §435, a part of the same legislative scheme involved herein. Plainly, all Congress sought was the disclosure of certain basic information, without regard to the

Charles N. Steele, Esq.

October 4, 1984

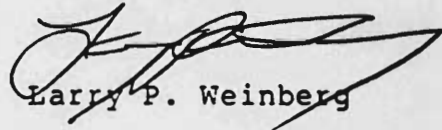
Page 3

exact words used, and this objective was fully accomplished by the disclaimer used by Respondents.

Assuming, arguendo, that the disclaimer omitted information required by the Act, the omission was entirely inadvertent and was corrected by Respondents, acting on their own, prior to any knowledge on their part of the filing of this complaint. The original mailing which is the subject of the complaint in this matter was sent out in late July, 1984. This mailing was to be followed by a second mailing much larger than the first. When Respondents made their second mailing in early September, and well before they received the NCPAC complaint, the contents were virtually identical to the first, except that "Seniors for Mondale" was changed to "Seniors for Mondale/Ferraro" certain type faces were changed and the disclaimer states that the mailing was "[p]aid for and authorized by Senior PAC. Not paid for or authorized by any candidate or candidate's committee." A full and complete set of the contents of that mailing is enclosed, including an envelope which was returned from the mailing for inadequate address, the postmark on which shows that the materials were mailed September 4, 1984, approximately ten days before Respondents were notified of the NCPAC complaint. Thus, no purpose would be served by further proceedings in connection with this matter.

For the foregoing reasons, Respondents respectfully submit that there is no basis for further action by the Commission in this matter and that the complaint herein should be dismissed.

Very truly yours,

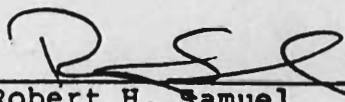

Larry P. Weinberg

LPW:dmr

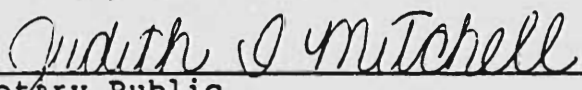
DISTRICT OF COLUMBIA: ss

VERIFICATION

ROBERT H. SAMUEL, Treasurer of Senior Political Action Committee, having been duly sworn, hereby states that he has read the foregoing letter setting forth reasons why the Commission should dismiss the complaint in MUR 1770, and that all factual matters set forth therein are true and correct.


Robert H. Samuel

Subscribed to and sworn
before me this 9th day of
October, 1984


Notary Public

My Commission Expires April 30, 1989

85040532434

... It does.
IN NOVEMBER, WE WANT YOU TO VOTE
AS IF YOUR LIFE DEPENDED ON IT
FACT SHEET

SENIORS FOR MONDALE/FERRARO

SENIORS FOR MONDALE/FERRARO

A Project of Senior PAC

1302 18th Street, N.W., Suite 302
Washington, D.C. 20036
(202) 328-8105...

Robert Samuel, National Director

Not for and authorized by Senior PAC.
Not paid for or authorized by any candidate or candidate's committee.

→ new disclaimer

SP-BS4-MF

WOULDN'T YOU BE SURPRISED IF AMERICA'S 26 MILLION ELDERLY LET HIM GET AWAY WITH IT?

- triple Medicare premiums over the next five years?
- as much as \$1529 per visit?
- charge the elderly up to 90% more for a hospital stay?
- its benefits?
- stripping its cost-of-living adjustments and reducing Social Security.
- launch another major assault on Social Security.

- delay Medicare eligibility for seniors from age 65 to 67 ... dumping millions of dollars in medical bills on the middle and low-income elderly?
- impose a degrading "means test" on Medicare recipients, transforming this vital social insurance program into welfare?

that Ronald Reagan and his budget advisers are making plans RIGHT NOW to:

AREN'T YOU ALARMED

Attachment 2

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040532435

TAKE A LOOK AT THE COLD, HARD FACTS

Ronald Reagan has presided over the first Presidential Administration in history to radically reduce its commitment to America's elderly, sick and disabled.

Compassion? ... In the past four years, Reagan and his henchmen have battled to eliminate legal services for the elderly poor ... to slash \$82 million from Social Security, including major cuts in early retirement benefits ... to undermine disability insurance and fuel and energy assistance for poor seniors ... and to

slice more than \$20 billion from the bare-bones Medicare program.

Common Sense? ... You won't hear much about his secret plans during this sensitive election year ... but if Reagan is re-elected, he's going to launch a "December surprise"—an unprecedented assault on our nation's most trusted special services ... a frantic attempt to reduce the crippling deficit generated through reckless military expenditure.

THE CHOICE JUST COULDN'T BE CLEARER

Walter Mondale

In 1965, U.S. Senator Walter Mondale was fighting on Capitol Hill to make decent health care available to the elderly ... Mondale co-sponsored Medicare, and he got it enacted.

As a Senator, Mondale also co-sponsored legislation that produced the Legal Services Corporation ... vital legal aid for the elderly poor.

And he helped create the Older Americans Act ... Medicaid ... housing assistance for impoverished seniors ... and dependable cost-of-living adjustments for Social Security recipients.

In 1978, Vice President Mondale battled for caps on hospital prices ... and against Social Security and Medicare cuts. And he has been a strong proponent of disability insurance.

As our next president, Walter Mondale will strengthen Social Security and enforce strong controls on runaway hospital prices.

Ronald Reagan

In the mid-1960s, actor Ronald Reagan was traveling the country on corporate expense accounts ... fighting against health care insurance for older Americans ... making speeches against Medicare.

As President, Reagan has twice attempted to abolish legal services for the poor altogether.

Reagan has led the battle to slash Medicaid ... and to undermine housing assistance and the crucial services provided under the Older Americans Act.

Throughout his career, Reagan has resisted attempts to control health care costs. He prefers cutting health care benefits, ... making patients pay the difference.

As our current president, Reagan has presided over the first cost-of-living cuts in history ... and his was the first Administration to recommend major Social Security cutbacks.



The fact is, YOU simply cannot afford another four years of Ronald Reagan and his policies ... policies designed to balance a massively out-of-whack federal budget on YOUR back!

But Reagan is counting on you not to notice what he's up to. He's counting on the fact that you just won't care enough to defeat him.

SUPPORT SENIORS FOR MONDALE/FERRARO

IT'S TIME YOU MADE A DIFFERENCE.

SENIORS FOR MONDALE/FERRARO

We made a bargain in America that when our citizens work for a lifetime, care for themselves and their families, pay their taxes and are good citizens ... that when the time comes to retire, their Social Security checks should be there, just as sure as the sun comes up in the morning ...

— Walter F. Mondale

Dear Friend of Seniors:

The most lethal enemy of our nation's 26 million elderly isn't cancer or heart disease ... it's indifference.

Today -- at this very moment -- the Reagan administration and its Congressional henchmen are preparing to launch the most brutal assault on senior citizens that our nation has ever witnessed.

Yet all too many of us are sitting quietly by, ignoring the reproaches of conscience ... trying to forget that whether or not we ourselves are senior citizens today, tomorrow we will be ... and hoping that the nightmare will simply vanish.

We know better.

After all, it took Reagan only six months in office to callously abandon his explicit campaign pledge to protect Social Security. In 1981, to the horror of millions of seniors who mistakenly had trusted him, Reagan tried to gut their lifeline benefits by over \$82 billion ...

Not caring that one out of every seven seniors already lives in abject poverty ... that a full 25% of those over 65 have a pitifully low annual income, under \$5,000 ... and that the average Social Security check amounts to a paltry \$400 per month.

Since then, the oldest president in our nation's history has proven himself the older American's most implacable foe.

He has fought relentlessly to eliminate legal services and energy subsidies for the elderly poor ... to dump tens of thousands of disabled Americans from our meager disability insurance rolls ... to raise the nation's retirement age, so that vast numbers of our elderly cannot qualify for benefits.

He has succeeded in stripping our Medicare and Medicaid programs of over \$20 billion in benefits ... and just this spring convinced his cronies on the Senate Budget Committee to rob these programs of another \$9 billion in fiscal 1985.

It's an attack that comes when Medicare is already a bare-bones program, covering only 42% of the average senior's medical bills ... and contributing little or absolutely nothing for such costly essentials as prescriptions, eyeglasses, hearing aids or home nursing care.

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physicians refuse to accept the limits on Medicare reimbursement — while they rake in an average \$100,000 in personal income every year — health care will remain a luxury for the rich.

And we will all suffer the consequences.

That's why Walter Mondale fought hard for a cap on hospital prices while he was serving as Vice President ... and why he now favors tough regulation of the health care industry.

These measures alone would save Americans over \$300 billion by 1995, and aid the Medicare budget without imposing any added burden on seniors.

As our President, Walter Mondale will also:

- * enact and enforce regulations to ensure the safety and dignity of older Americans who reside in nursing homes;
- * protect the threatened Community Services Jobs Program, which provides more than 54,000 jobs for older Americans;
- * vigorously enforce laws against age discrimination and abolish mandatory retirement.

We at Senior PAC believe that it's high time for a President who puts human need ahead of corporate greed, and compassion ahead of convenience. That's why we endorsed Walter Mondale's candidacy in February and made his election our absolute #1 priority this year.

You may know something about Senior PAC already. In June of 1981, we became the first and only political action committee to fight exclusively for seniors. Since then, we have shaken the political establishment to its foundation and assured that the political impact of the elderly will never again be underestimated.

In 1982, Senior PAC and our friends forced the Reaganites to compromise on most of their desired Social Security cuts ... and to salvage our future — yours and mine — rather than sabotaging it.

How did we manage this? Like other PAC's, we are licensed by the federal government to lobby in Congress and get directly involved in Congressional and Senatorial races. In fact, in 1982 Senior PAC was the one senior citizen organization allowed to participate in elections. We are a broad-based bi-partisan coalition with the kind of clout that makes politicians sit up and take notice — or pay the price at election time.

In the 1982 elections, our grassroots organizing in every corner of the nation helped elect 24 of the 41 pro-senior candidates we endorsed. That has meant two dozen more Congressional votes to combat our powerful enemies.

Make no mistake. We are proud of our victories and our swelling national support — 30,000 strong. But we are also terribly worried.

Because if Ronald Reagan is re-elected, all the lobbying in the world won't help senior citizens. And the damage he will do to programs half-a-century in the making will never be undone.

That's why, at this very moment, Senior PAC is hard at work — manning phone lines ... preparing leaflets ... operating speakers' bureaus ... polling your neighbors door-to-door ... and telling seniors and their allies why we **MUST** assure a Mondale victory.

But there's a hitch ... All this work takes money. And it is hard to compete with the slick lobbyists of the health care industry and the bulging corporate warchests of the New Right's fundraisers.

Our only defense against these cynical profiteers is YOU ... because you believe that our nation owes its elderly more than a breadline for dinner and a subway crate for the night ... you insist that decent medical care is a right, not a privilege ... and you realize that behind the dreary columns of federal budget statistics are thousands of suffering human beings, whose need is desperate.

Your participation in this year's Presidential election is more critical than ever. **RIGHT NOW**. It could make the vital margin of difference in what pollsters are calling a neck-and-neck race.

Think about it: your solitary decision to take just three simple steps **TODAY** could very well brighten the horizons of 30 million aging and disabled Americans ... and alter the course of our social history.

Here's what you can do:

- 1) Learn the hair-raising political facts from the enclosed brochure.
- 2) Tell friends and neighbors just how crucial this election is.
- 3) Whether you are over 55 years old or not, lend your support **TODAY** to Seniors for Mondale, the powerful and united voice of the friends of the elderly.

Write out the most generous check you possibly can.

We urgently need gifts of \$50, \$100, and \$200 -- a small price to pay for the security of your financial future, and for dependable health care in retirement. But if you can afford only \$15 or \$20, it will be deeply appreciated. But please, don't allow delay to compromise our efforts. Mail your check today.

Help us stamp out the plague of indifference and restore America's compassion. Help us retire Ronald Reagan.

Sincerely,

Robert Samuel

Robert Samuel
National Director

P.S. 1985 is a banner year -- Social Security's 50th anniversary, and Medicare's 20th. But will they still be there when YOU need them? Instead of celebrating the triumphs of these visionary programs, we may be mourning their demise. Unless you insist upon a Mondale victory.

SP

Tarrant



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11



YES I want to take a stand against the Reagan Administration's cruel indifference to the elderly. Please use all your clout to elect Walter F. Mondale and Geraldine Ferraro, the Presidential ticket with a proven track record of compassion for this country's seniors. Enclosed is my contribution of:

☐ \$20 ☐ \$25 ☐ \$50 ☐ \$100 ☐ \$500 ☐ Other \$ _____

SENIORS FOR MONDALE/FERRARO

A Project of Senior PAC
302 18th Street, N.W., Suite 302
Washington, D.C. 20036

Please make your check payable to Seniors for Mondale/Senior PAC and return it in the enclosed postage-free envelope. Thank you.

(OVER)

SP-CS4-MF

85040532442



No postage
necessary
if mailed
in the
United States

BUSINESS REPLY CARD

BUSINESS REPLY PERMIT NO. 13409, WASHINGTON, D.C.

POSTAGE WILL BE PAID BY ADDRESSEE

SENIORS FOR MONDALE/FERRARO

A Project of Senior PAC
P.O. Box 636
Benjamin Franklin Station
Washington, D.C. 20044

SP-ES4-MF

The Federal Election Commission requires us to request the following:

OCCUPATION _____

NAME OF EMPLOYER _____

PLACE OF BUSINESS _____

A copy of our records are on file and available from the Federal Election Commission,
1325 K Street NW, Washington, D.C. 20463

You can claim a federal tax credit of 50% of the total given to
political campaigns, up to \$100 for a joint return and \$50 on an
individual return.

Paid for and authorized by Senior Pac.



85040532443



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Weinberg:

The Federal Election Commission notified your clients on September 10, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on November , 1984, determined that there is reason to believe that your clients have violated 2 U.S.C. § 441d(a)(3), a provision of the Act. Specifically, it appears that Senior PAC financed a communication which advocated the election of Walter Mondale, but which failed to state that the letter/solicitation was not authorized by Walter Mondale or the Mondale for President Committee, Inc.

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

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

Attachment 3

14

85040532444

Letter to Larry P. Weinberg
Page 2

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 Marybeth Tarrant, the staff member assigned to this matter, at (202)523-4143.

Sincerely,

Enclosures
Questions
Procedures

85040532445

MUR 1770
Questions to Robert Samuel

In relation to Senior PAC's mailing, which was sent out in July 1984 and which is the subject of this complaint, please answer the following:

- 1) How much did the mailing cost?
- 2) How many pieces of mail were sent out?
- 3) How much money was collected as a result of the mailing?

85040532446

Attachment 4

(16)

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG
 SUITE 800
 1100 17TH STREET, N.W.
 WASHINGTON, D.C. 20036

(202) 775-5900

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 HARRISBURG, PA. 17101
 (717) 233-8613

VIRGINIA OFFICE
 10311 COMMONWEALTH BLVD.
 FAIRFAX, VA. 22032

October 4, 1984

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

RE: MUR 1770.

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At the outset, respondents will state categorically that the communication was not authorized by Mondale for President or any other committee or candidate. Respondents will concede that the mailing in question was subject to the disclaimer requirement of §441d(a)(3) for purposes of this MUR. Respondents will further

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RECEIVED

FBI

Charles N. Steele, Esq.

October 4, 1984

Page 2

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Respondents submit that neither the Act nor the Commission's regulations require that the §441d(a)(3) disclaimer be a verbatim repetition of the language of that sub-section. The language used by Respondents conveyed the information Congress sought in §441d(a)(3) in that it informed the reader that the communication in question was paid for by Senior PAC and authorized by Senior PAC, rather than any candidate or candidate's committee.

Even if the Commission concludes that the disclaimer used by Respondents in this mailing was inadequate and in violation of the Act, Respondents submit that this violation is, at most, an extremely technical one, that was corrected in subsequent mailings by Respondent Senior PAC. Therefore, further proceedings in this matter would serve no purpose sought to be achieved under the Federal Election Campaign Act of 1971, as amended.

For these reasons, as will be discussed more fully below, Respondents respectfully request that the Commission take no action with respect to the matters alleged in the complaint filed by NCPAC, and that it dismiss the complaint.

Respondents submit that the disclaimer at issue herein concealed no information the disclosure of which was sought by the enactment of §441d(a)(3). The disclaimer advised the reader who had paid for the communication and who had authorized it. Surely after stating that the communication was authorized by Senior PAC, there is no requirement that the disclaimer go on to state the obvious -- that it was not authorized by anyone else. As noted above, neither the Act nor the Commission's regulations require a verbatim restatement of §441d(a)(3) in communications to which that section applies. Had Congress sought such a verbatim restatement it would have stated the disclaimer in quotation marks, as it did with the disclaimer which was required by the now repealed 2 U.S.C. §435, a part of the same legislative scheme involved herein. Plainly, all Congress sought was the disclosure of certain basic information, without regard to the

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KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG

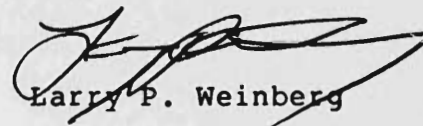
Charles N. Steele, Esq.
October 4, 1984
Page 3

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For the foregoing reasons, Respondents respectfully submit that there is no basis for further action by the Commission in this matter and that the complaint herein should be dismissed.

Very truly yours,


Larry P. Weinberg

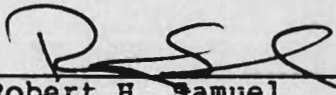
LPW:dmr

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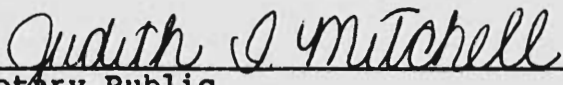
DISTRICT OF COLUMBIA: 88

VERIFICATION

ROBERT H. SAMUEL, Treasurer of Senior Political Action Committee, having been duly sworn, hereby states that he has read the foregoing letter setting forth reasons why the Commission should dismiss the complaint in MUR 1770, and that all factual matters set forth therein are true and correct.


Robert H. Samuel

Subscribed to and sworn
before me this 9th day of
October, 1984


Notary Public

My Commission Expires April 30, 1988

85040532450

Weinberg

KIRSCHNER, WEINBERG, DEMPSEY,

WALTERS & WILLIG

1100 17th STREET, N.W.

SUITE 800

WASHINGTON, D.C. 20036

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RECEIVED

GENERAL COUNSEL

MAY 14 1964

PI 2:40

Attn:

Mary Beth Tarrant

Fed. Elec. Comm.

Gen. Counsel's Office

1325 K-Street, N.W.

D.C.

lw
LAW OFFICES

KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG

SUITE 800

1100 17TH STREET, N.W.
WASHINGTON, D.C. 20036

RECEIVED AT THE
84 SEP 27 9:14

Ms. Marybeth Tarrant
General Counsels Office
Federal Election Commission
Washington, D.C. 20463

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 28, 1984

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

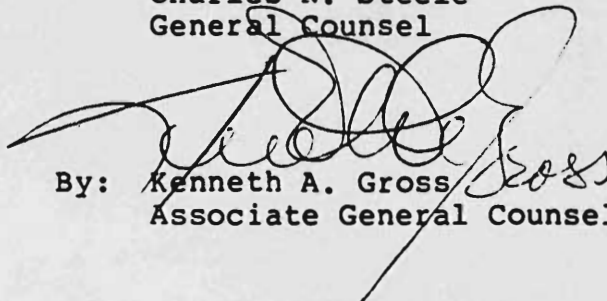
Dear Mr. Weinberg:

This is in reference to your letter dated September 24, 1984, requesting an extension of ten days to respond to the Commission's notice that a complaint has been filed against your clients. After considering the circumstances presented in your letter, the Office of the General Counsel has determined to grant you your requested extension. Accordingly, your response will be due on October 8, 1984. In addition, in response to your request by telephone, enclosed please find copies of all the pages which were attached to the complaint.

If you have any questions, please call Marybeth Tarrant at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosure

85040532453

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG
SUITE 800
1100 17TH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 775-5900

RICHARD KIRSCHNER
LARRY P. WEINBERG
JOHN C. DEMPSEY†
JONATHAN WALTERS
DEBORAH R. WILLIG

ALAINE S. WILLIAMS*
MARILYN S. MAY*
ROBERT T. FENDT*
ROBERT TIM BROWN*
BARBARA KRAFT
MARTHA WALFOORT
LEE W. JACKSON
STUART W. DAVIDSON*
CRAIG BECKER

†ALSO ADMITTED IN VIRGINIA
*NOT ADMITTED IN DISTRICT OF COLUMBIA

September 24, 1984

PHILADELPHIA OFFICE
SUITE 1100
1429 WALNUT STREET
PHILADELPHIA, PA. 19102
(215) 565-5900

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 233-5900

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

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

Re: MUR 1770

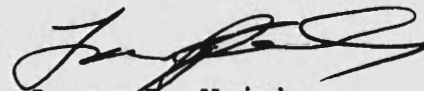
Dear Mr. Steele:

We represent Senior Political Action Committee (Senior PAC) in connection with the above-captioned matter. I have enclosed the original statement of designation counsel signed by Robert Samuel, Treasurer of this committee.

As I explained earlier today by phone to Marybeth Tarrant of your staff, before I can prepare a proper response to the complaint in this matter, I will need certain information from Mr. Samuel, who is presently out of town and unreachable. For this reason, I am requesting an extension of ten days from the date on which the response would otherwise be due so that we will have an opportunity to prepare an adequate response. While I am not sure when Mr. Samuel will be returning to Washington, it is my hope that he will return well before that date, and, if so, I should be able to file a response long before the extended deadline I am hereby requesting.

Please advise me as soon as possible whether this extension of time is granted.

Sincerely,


Larry P. Weinberg

LPW/em
Enclosure

cc: Marybeth Tarrant

RECEIVED AT THE FEC
GCC #4880
SEP 26 09:06

RECEIVED
GENERAL COUNSEL
FEB 26 10:20

35040532454

1w

LAW OFFICES

NER, WEINBERG, DEMPSEY, WALTERS & WILLIG

SUITE 800

1100 17TH STREET, N.W.

WASHINGTON, D.C. 20036



WORLD FOOD DAY.
USA OCTOBER 16

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

84 SEP 25 9:06

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1770

NAME OF COUNSEL: Larry P. Weinberg

ADDRESS: Kirschner, Weinberg, Dempsey, Walters & Willig

1100 - 17th Street, N.W. Suite 800

Washington, D.C. 20036

TELEPHONE: (202) 775-5900

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.

9/17/84
Date

RSE
Signature

RESPONDENT'S NAME: Robert H. Samuel and Senior PAC

ADDRESS: 1302 18th Street, N.W. Suite 302

Washington, D.C. 20036

HOME PHONE: _____

BUSINESS PHONE: (202) 328-8105

8.5040532456

*National Conservative
Political Action Committee*

*1001 Prince Street
Alexandria, Virginia 22314*

RECEIVED AT THE REG
G. CC# 4511
84 AUG 30 P 3: 21

*John T. Dolan
National Chairman*

August 24, 1984

(703) 684-1800

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

MUR 1770

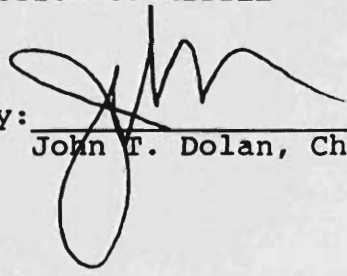
Dear Sir:

This letter constitutes a complaint filed pursuant to 2 U.S.C. 437g by National Conservative Political Action Committee against Senior PAC, Suite 302, 1302 18th Street N.W., Washington, D.C. 20036, who and/or which has apparently violated the provisions of 2 U.S.C. 441d.

Attached hereto and made a part of this complaint is a letter which solicits contributions to Seniors for Mondale, a project of Senior PAC. The letter states that it was "Paid for and authorized by Senior PAC." In light of the content of the letter, which advocates the election of Walter Mondale, the notification of sponsorship should have included the statement required by 2 U.S.C. 441d(a)(3) if, in fact, it was not authorized by Mondale for President. The letter and a copy of all the material enclosed with the letter are attached. Only the name and address of the recipient of the letter have been excised. It is evident that the solicitation does not contain the statement of sponsorship required by 2 U.S.C. 441d(a).

Very truly yours,

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE

By: 

John T. Dolan, Chairman

Enclosures

JTD/cs

85040532457

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
84 AUG 30 P 4: 31

STATE OF VIRGINIA)
CITY OF ALEXANDRIA) to-wit:

Sworn to before me this 24TH day of August, 1984,
by JOHN T. DOLAN, as Chairman of National Conservative Political
Action Committee, under the penalty of perjury and subject to
the provisions of section 1001 of Title 118 of the United States
Code.

Margaret V. Baker
Notary Public @ LARGE

STATE OF VIRGINIA.

My Commission Expires:

APRIL 8, 1988

85040532458

AREN'T YOU ALARMED

that Ronald Reagan and his budget advisers are making plans RIGHT NOW to:

- delay Medicare eligibility for seniors from age 65 to 67... dumping millions of dollars in medical bills on the middle and low-income elderly?
- impose a degrading "means test" on Medicare recipients, transforming this vital social insurance program into welfare?

- launch another major assault on Social Security, stripping its cost-of-living adjustments and reducing its benefits?
- charge the elderly up to 90% more for a hospital stay, as much as \$1529 per visit?
- triple Medicare premiums over the next five years?

**WOULDN'T YOU BE SURPRISED IF AMERICA'S
26 MILLION ELDERLY LET HIM GET AWAY WITH IT?**

Robert Samuel, National Director

1302 18th Street, N.W., Suite 302
Washington, D.C. 20036
(202) 328-8105

A Project of Senior PAC

SENIORS FOR MONDALE

SENIORS FOR MONDALE

FACT SHEET

**IN NOVEMBER, WE WANT YOU TO VOTE
AS IF YOUR LIFE DEPENDED ON IT**

... It does.

SP-BS4-M



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TAKE A LOOK AT THE COLD, HARD FACTS

Ronald Reagan has presided over the first Presidential Administration in history to radically reduce its commitment to America's elderly, sick and disabled.

Compassion? . . . In the past four years, Reagan and his henchmen have battled to eliminate legal services for the elderly poor . . . to slash \$82 million from Social Security, including major cuts in early retirement benefits . . . to undermine disability insurance and fuel and energy assistance for poor seniors . . . and to

slice more than \$20 billion from the bare-bones Medicare program.

Common Sense? . . . You won't hear much about his secret plans during this sensitive election year . . . but if Reagan is re-elected, he's going to launch a "December surprise"—an unprecedented assault on our nation's most trusted special services . . . a frantic attempt to reduce the crippling deficit generated through reckless military expenditure.

THE CHOICE JUST COULDN'T BE CLEARER

Walter Mondale

In 1965, U.S. Senator Walter Mondale was fighting on Capitol Hill to make decent health care available to the elderly . . . Mondale co-sponsored Medicare, and he got it enacted.

As a Senator, Mondale also co-sponsored legislation that produced the Legal Services Corporation . . . vital legal aid for the elderly poor.

And he helped create the Older Americans Act . . . Medicaid . . . housing assistance for impoverished seniors . . . and dependable cost-of-living adjustments for Social Security recipients.

In 1978, Vice President Mondale battled for caps on hospital prices . . . and against Social Security and Medicare cuts. And he has been a strong proponent of disability insurance.

As our next president, Walter Mondale will strengthen Social Security and enforce strong controls on runaway hospital prices.

Ronald Reagan

In the mid-1960s, actor Ronald Reagan was traveling the country on corporate expense accounts . . . fighting against health care insurance for older Americans . . . making speeches against Medicare.

As President, Reagan has twice attempted to abolish legal services for the poor altogether.

Reagan has led the battle to slash Medicaid . . . and to undermine housing assistance and the crucial services provided under the Older Americans Act.

Throughout his career, Reagan has resisted attempts to control health care costs. He prefers cutting health care benefits, . . . making patients pay the difference.

As our current president, Reagan has presided over the first cost-of-living cuts in history . . . and his was the first Administration to recommend major Social Security cutbacks.

The fact is, YOU simply cannot afford another four years of Ronald Reagan and his policies . . . policies designed to balance a massively out-of-whack federal budget on YOUR back!

But Reagan is counting on you not to notice what he's up to. He's counting on the fact that you just won't care enough to defeat him.

SUPPORT SENIORS FOR MONDALE.

IT'S TIME YOU MADE A DIFFERENCE.



SENIORS FOR MONDALE

A Project of Senior PAC

We made a bargain in America that when our citizens work for a lifetime, care for themselves and their families, pay their taxes and are good citizens ... that when the time comes to retire, their Social Security checks should be there, just as sure as the sun comes up in the morning ...

— Walter F. Mondale

Dear Friend of Seniors:

The most lethal enemy of our nation's 26 million elderly isn't cancer or heart disease ... it's indifference.

Today — at this very moment — the Reagan administration and its Congressional henchmen are preparing to launch the most brutal assault on senior citizens that our nation has ever witnessed.

Yet all too many of us are sitting quietly by, ignoring the reproaches of conscience ... trying to forget that whether or not we ourselves are senior citizens today, tomorrow we will be ... and hoping that the nightmare will simply vanish.

We know better.

After all, it took Reagan only six months in office to callously abandon his explicit campaign pledge to protect Social Security. In 1981, to the horror of millions of seniors who mistakenly had trusted him, Reagan tried to gut their lifeline benefits by over \$82 billion ...

Not caring that one out of every seven seniors already lives in abject poverty ... that a full 25% of those over 65 have a pitifully low annual income, under \$5,000 ... and that the average Social Security check amounts to a paltry \$400 per month.

Since then, the oldest president in our nation's history has proven himself the older American's most implacable foe.

He has fought relentlessly to eliminate legal services and energy subsidies for the elderly poor ... to dump tens of thousands of disabled Americans from our meager disability insurance rolls ... to raise the nation's retirement age, so that vast numbers of our elderly cannot qualify for benefits.

He has succeeded in stripping our Medicare and Medicaid programs of over \$20 billion in benefits ... and just this spring convinced his cronies on the Senate Budget Committee to rob these programs of another \$9 billion in fiscal 1985.

It's an attack that comes when Medicare is already a bare-bones program, covering only 42% of the average senior's medical bills ... and contributing little or absolutely nothing for such costly essentials as prescriptions, eyeglasses, hearing aids or home nursing care.

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The fact is, Reagan's priorities are different from yours and mine. We believe in compassion and fair play. We won't allow America to throw on the scrap heap the very people who scrimped and saved all their lives to make this nation strong, stable and humane.

But Reagan insists on preserving extravagant 25% tax cuts for the super-rich and outrageous corporate profits in the health care industry.

Unfortunately someone has to pay the tab. And this president has heartlessly demanded that we balance his budget on the backs of those least able to bear it — including the ill and the aging.

What's worse, the havoc which Reagan has wreaked so far is peanuts compared to the radical second-term budget surgery his financial wizards are quietly plotting.

Once we've cast our ballots this fall, the constraints of public opinion will no longer count for anything ... and Reagan will launch his "December surprise:" a massive raid on the benefits our elderly depend on.

The results of the Reagan assault will be immediate and devastating: as our social insurance programs are reduced to a shambles, the elderly will become totally dependent on welfare, food stamps, and the limited budgets of their children. Their self-esteem will be shattered.

Only two things stand in the way of Reagan's blueprint for an impoverished older America. The first is a rapidly swelling public outcry ... because eight in ten of us still are unswervingly committed to improving our senior programs, not dismantling them.

The second is the Presidential candidacy of Walter Mondale ... a man who is offering us our most dramatic electoral choice since 1932 ... who throughout his public career has steadfastly defended the rights, interests, independence and dignity of senior citizens ... and who can win this crucial race — with your help.

During his two decades in the U.S. Senate, Walter Mondale scored a 100% perfect cumulative voting record on senior issues. At a time when Ronald Reagan was traveling the country on corporate expense accounts, lobbying against health and insurance programs for seniors, Mondale was co-sponsoring the original Medicare legislation.

And Walter Mondale also co-sponsored Medicaid and the Older Americans Act ... fought for the establishment of Supplemental Security Income and low-income housing for the elderly poor ... helped design the Title XX Social Services Program ... worked to create the Legal Services Corporation, the major bulwark for seniors against fraud ... and has battled tirelessly to extend and improve our Social Security benefits.

While Reagan, his bureaucrats, and the demagogues of the New Right have aligned themselves with the medical establishment, blaming our soaring health care costs on patients, Mondale has targeted the real villains.

Mondale knows that hospital and doctor bills are rising three times as fast as general inflation: 17% last year alone.

He knows that as long as hospital gluttony goes unchecked ... and as long as

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physicians refuse to accept the limits on Medicare reimbursement — while they rake in an average \$100,000 in personal income every year — health care will remain a luxury for the rich.

And we will all suffer the consequences.

That's why Walter Mondale fought hard for a cap on hospital prices while he was serving as Vice President ... and why he now favors tough regulation of the health care industry.

These measures alone would save Americans over \$300 billion by 1995, and aid the Medicare budget without imposing any added burden on seniors.

As our President, Walter Mondale will also:

- * enact and enforce regulations to ensure the safety and dignity of older Americans who reside in nursing homes;

- * protect the threatened Community Services Jobs Program, which provides more than 54,000 jobs for older Americans;

- * vigorously enforce laws against age discrimination and abolish mandatory retirement.

We at Senior PAC believe that it's high time for a President who puts human need ahead of corporate greed, and compassion ahead of convenience. That's why we endorsed Walter Mondale's candidacy in February and made his election our absolute #1 priority this year.

You may know something about Senior PAC already. In June of 1981, we became the first and only political action committee to fight exclusively for seniors. Since then, we have shaken the political establishment to its foundation and assured that the political impact of the elderly will never again be underestimated.

In 1982, Senior PAC and our friends forced the Reaganites to compromise on most of their desired Social Security cuts ... and to salvage our future — yours and mine — rather than sabotaging it.

How did we manage this? Like other PAC's, we are licensed by the federal government to lobby in Congress and get directly involved in Congressional and Senatorial races. In fact, in 1982 Senior PAC was the one senior citizen organization allowed to participate in elections. We are a broad-based bi-partisan coalition with the kind of clout that makes politicians sit up and take notice — or pay the price at election time.

In the 1982 elections, our grassroots organizing in every corner of the nation helped elect 24 of the 41 pro-senior candidates we endorsed. That has meant two dozen more Congressional votes to combat our powerful enemies.

Make no mistake. We are proud of our victories and our swelling national support — 30,000 strong. But we are also terribly worried.

Because if Ronald Reagan is re-elected, all the lobbying in the world won't help senior citizens. And the damage he will do to programs half-a-century in the making will never be undone.

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That's why, at this very moment, Senior PAC is hard at work — manning phone lines ... preparing leaflets ... operating speakers' bureaus ... polling your neighbors door-to-door ... and telling seniors and their allies why we MUST assure a Mondale victory.

But there's a hitch ... All this work takes money. And it is hard to compete with the slick lobbyists of the health care industry and the bulging corporate warchests of the New Right's fundraisers.

Our only defense against these cynical profiteers is YOU ... because you believe that our nation owes its elderly more than a breadline for dinner and a subway crate for the night ... you insist that decent medical care is a right, not a privilege ... and you realize that behind the dreary columns of federal budget statistics are thousands of suffering human beings, whose need is desperate.

Your participation in this year's Presidential election is more critical than ever. RIGHT NOW. It could make the vital margin of difference in what pollsters are calling a neck-and-neck race.

Think about it: your solitary decision to take just three simple steps TODAY could very well brighten the horizons of 30 million aging and disabled Americans ... and alter the course of our social history.

Here's what you can do:

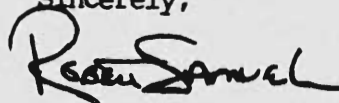
- 1) Learn the hair-raising political facts from the enclosed brochure.
- 2) Tell friends and neighbors just how crucial this election is.
- 3) Whether you are over 55 years old or not, lend your support TODAY to Seniors for Mondale, the powerful and united voice of the friends of the elderly.

Write out the most generous check you possibly can.

We urgently need gifts of \$50, \$100, and \$200 — a small price to pay for the security of your financial future, and for dependable health care in retirement. But if you can afford only \$15 or \$20, it will be deeply appreciated. But please, don't allow delay to compromise our efforts. Mail your check today.

Help us stamp out the plague of indifference and restore America's compassion. Help us retire Ronald Reagan.

Sincerely,



Robert Samuel
National Director

P.S. 1985 is a banner year — Social Security's 50th anniversary, and Medicare's 20th. But will they still be there when YOU need them? Instead of celebrating the triumphs of these visionary programs, we may be mourning their demise. Unless you insist upon a Mondale victory.

SP:srs

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The Federal Election Commission requires us to request the following:

OCCUPATION _____

NAME OF EMPLOYER _____

PLACE OF BUSINESS _____

A copy of our records are on file and available from the Federal Election Commission,
1325 K Street NW, Washington, D.C. 20463

You can claim a federal tax credit of 50% of the total given to political campaigns, up to \$100 for a joint return and \$50 on an individual return.

Paid for and authorized by Senior Pac.



MONDALE/FERRARO

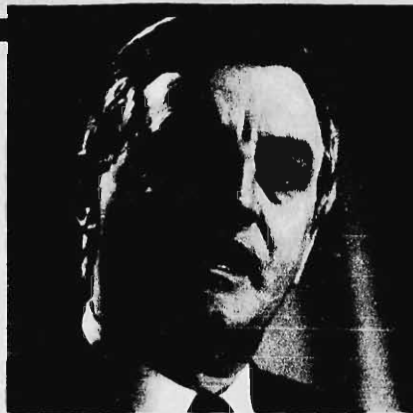
endorsed by

AN APPROVED VOTE

Senior PAC

1984

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SENIORS FOR MONDALE/FERRARO

Project of Senior PAC
1302 18th Street, N.W., Suite 302
Washington, D.C. 20036

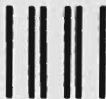
YES I want to take a stand against the Reagan Administration's cruel indifference to the elderly. Please use all your clout to elect Walter F. Mondale and Geraldine Ferraro, the Presidential ticket with a proven track record of compassion for this country's seniors. Enclosed is my contribution of:

☐ \$20 ☐ \$25 ☐ \$50 ☐ \$100 ☐ \$500 ☐ Other \$

Please make your check payable to Seniors for Mondale/Senior PAC and return it in the enclosed postage-free envelope. Thank you.

(OVER)

SP-CS4-MF



No postage
necessary
if mailed
in the
United States

BUSINESS REPLY CARD

BUSINESS REPLY PERMIT NO. 13409, WASHINGTON, D.C.

POSTAGE WILL BE PAID BY ADDRESSEE

SENIORS FOR MONDALE

A Project of Senior PAC
P.O. Box 636
Benjamin Franklin Station
Washington, D.C. 20044

SENIORS FOR MONDALE/FERRARO

522 18th Street, N.W., Suite 302
Washington, D.C. 20036

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Attention Postmaster:
Please deliver
prior to Sept. 14



Refused for better address by
Detroit, Mich.

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RECEIVED
OFFICE OF THE
GENERAL COUNSEL

34 AUG 30 P 4: 38

RECEIVED AT THE FBI

84 AUG 30 P 3: 21

FIRST CLASS

FROM:

John T. Dolan
**NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE**
1001 Prince Street
Alexandria, Virginia 22314
(703) 684-1800

TO:

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 10, 1984

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

Dear Mr. Dolan:

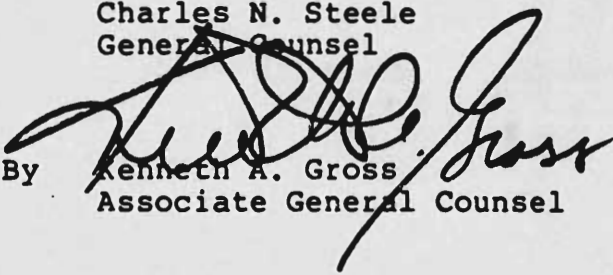
This letter is to acknowledge receipt of your complaint which we received on August 30, 1984, against Senior Political Action Committee and Robert H. Samuel, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will 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

85040532470



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 10, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert H. Samuel
Treasurer
Senior Political Action Committee
1302 18th Street, N.W.
Suite 302
Washington, D.C. 20036

Re: MUR 1770

Dear Mr. Samuel:

This letter is to notify you that on August 30, 1984 the Federal Election Commission received a complaint which alleges that your committee and you, as treasurer, 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 1770. 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 and you, as treasurer, 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.

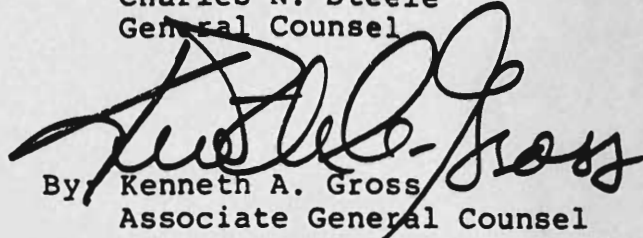
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040532471

If you have any questions, please contact Marybeth Tarrant, the staff person assigned to the case at (202) 523-4143. 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

85040532472

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RETURNED FOR POSTAGE

KIRSCHNER, WEINBERG, DEMPSEY,
WALTERS & WILLIG
1100 17TH STREET, N.W.
SUITE 800
WASHINGTON, D.C. 20036

39

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20436

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
MAY 22 1985
MAY 22 1985

85 MAY 22 10:43

85040532474

PS Form 3811, July 1962

• **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:**
 Larry P. Weinberg
 Kirschner, Weisberg, Dampsey,
 Walters & Wilky
 Suite 800 140-17th Street N.W.
 Washington, D.C. 20036

4. **TYPE OF SERVICE:** ☐ REGISTERED ☐ INSURED ☐ CERTIFIED ☐ COD ☐ EXPRESS MAIL
- ARTICLE NUMBER:**

(Always obtain signature of addressee or agent)

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

5. **DATE OF DELIVERY** **POSTMARK**
 (may be on reverse side)

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

7. **UNABLE TO DELIVER BECAUSE:** 7a. **EMPLOYEE'S INITIALS**

RETURN RECEIPT

MUR 1770 - TARRAN

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



Postage and Fees Paid
Federal Election Commission

Official Business

Penalty for Private Use \$300

Larry P. Weinberg, Esquire
Kirschner, Weinberg, Dempsey,
Walters & Willig
Suite 800
1100 - 17th Street, N.W.
Washington, D.C. 20036

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3504053247

LAW OFFICES

RSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIG

SUITE 800

1100 17TH STREET, N.W.

WASHINGTON, D.C. 20036



PLEASE MAIL

EARLY FOR

CHRISTMAS

Marybeth Tarrant, Esquire
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

04 NOV 23 49:28

FEC

8 5 0 4 0 5 3 2 4 7 7

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

HAND Delivery

85040532478



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1778

Date Filmed 7/26/85 Camera No. --- 2

Cameraman J.A.O.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1770 .

85040554151

Tanont (Ameyder) 0007902

RECEIVED
GENERAL COUNSEL

MEMORANDUM

TO: Retha Dixon
~~CHERYL THOMAS~~

FROM: JOAN HARRIS

TO: JOAN HARRIS
FROM: 9:55 CHERYL THOMAS
35 JUL 2

CHECK NO. 309 (a copy of which is attached) RELATING

TO MUR 1770 AND NAME Senior PAC

WAS RECEIVED ON July 24 1985. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

- ☐ BUDGET CLEARING ACCOUNT (#95F3875.16)
- ☒ CIVIL PENALTIES ACCOUNT (#95-1099.160)

SIGNATURE Retha L. Dixon DATE 7-2-85

85040554152

6617902

309

9/18 1025

15.7
540.06

U.S. Treasury

\$ 100.00

ONE HUNDRED AND EIGHT

Dollar



**The National
BANK OF
WASHINGTON**

Washington, D.C.

For FEC MAR 1770

6007902
RECEIVED AT THE FEB

LAW OFFICES
KIRSCHNER, WEINBERG, DEMPSEY, WALTERS & WILLIAMS
SUITE 600
1100 17TH STREET, N.W.
WASHINGTON, D.C. 20036

JUL 1 12:00

RICHARD KIRSCHNER
LARRY P. WEINBERG
JOHN C. DEMPSEY
JONATHAN K. WALTERS
DEBORAH R. WILLIS

(202) 775-6000

PHILADELPHIA OFFICE
TENTH FLOOR
1600 WALNUT STREET
PHILADELPHIA, PA. 19103
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ALAINE S. WILLIAMS*
ROBERT T. FENET*
ROBERT TIM BROWN*
MARTHA WALFOORT
LEE W. JACKSON
STUART W. DAVIDSON*
CRAIG BECKER
JOHN J. SULLIVAN
NANCY S. G. LASSEN*
KIMBERLEE KELLER
SEVERLY J. LUCAS*
SAMUEL ISSACHAROFF*

June 19, 1985

HARRISBURG OFFICE
CITY TOWERS BUILDING
HARRISBURG, PA. 17101
(717) 330-4001

VIRGINIA OFFICE
10311 COMMONWEALTH BLVD.
FAIRFAX, VA. 22032

OF COUNSEL
DENNIS D. CLARK
BARBARA J. ZARSKY

† ALSO ADMITTED IN VIRGINIA
* NOT ADMITTED IN DISTRICT OF COLUMBIA

Charles N. Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20436

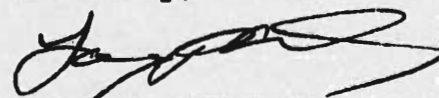
Re: MUR 1770
Senior PAC
Robert H. Samuel, as treasurer

Dear Mr. Steele:

I have received your letter of June 14, 1985 advising me that the Commission had accepted our client's counter-proposal for a conciliation agreement with regard to the above-captioned matter. Enclosed is Senior PAC's check No. 309 in the amount of \$100.00 in payment of the civil penalty provided for in paragraph VII of the agreement.

It is my understanding that the Commission's file in this matter will now be closed. If that understanding is incorrect, please so advise me.

Sincerely,


Larry P. Weinberg

LPW/smg

Enclosure

cc: Robert H. Samuel

35040554154

RECEIVED
GENERAL COUNSEL
JUL 2 4 35 PM '85