



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1788

Date Filmed 1/4/85 Camera No. --- 2

Camcraman AS

85040494036

FEDERAL ELECTION COMMISSION

routing slips - copies of letters notifying resp & complainant of
copies of responses - ~~resp~~ - 12 day report
to responses - routing slip - docket
request for address - RFAI

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

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

Signed

date

Matthew A. ...
12/28/84

FEC 9-21-77

100
1/2/85

85040494037



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500
ATT: Sherrie M. Cooksey

RE: MUR 1788
President Ronald Reagan
Reagan-Bush '84 and
Angela M. Buchanan Jackson, as
treasurer
Senator Jesse Helms
Helms for Senate Committee and
Mark L. Stephens, as treasurer

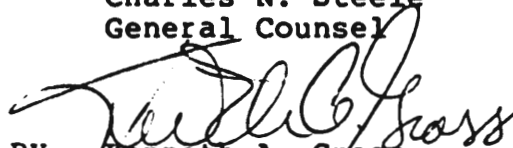
Dear Mr. President:

On September 20, 1984, the Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 10, 1984, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

85040494038



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

Ronald E. Robertson, Esquire
Chief Counsel
Reagan-Bush '84
440 First Street, N.W.
Suite 600
Washington, D.C. 20001

RE: MUR 1788
President Ronald Reagan
Reagan-Bush '84 and
Angela M. Buchanan Jackson, as
treasurer
Senator Jesse Helms
Helms for Senate Committee and
Mark L. Stephens, as treasurer

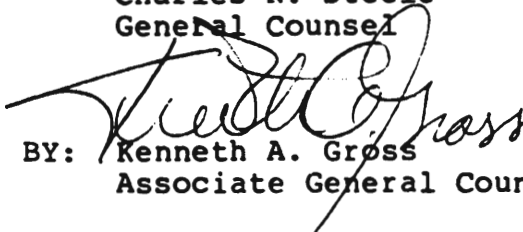
Dear Mr. Robertson:

On September 20, 1984, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 10, 1984, determined that on the basis of the information in the complaint, and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

85040494039



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

The Honorable Jesse Helms
Senate Dirksen 402
United States Senate
Washington, D.C. 20510

RE: MUR 1788
President Ronald Reagan
Reagan-Bush '84 and
Angela M. Buchanan Jackson, as
treasurer
Senator Jesse Helms
Helms for Senate Committee and
Mark L. Stephens, as treasurer

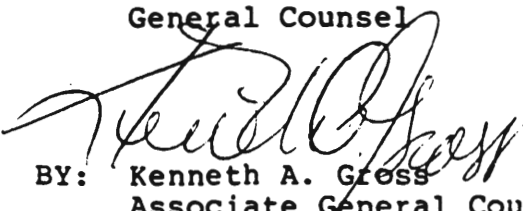
Dear Senator Helms:

On September 20, 1984, the Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 10, 1984, determined that on the basis of the information in the complaint, and information provided by your committee and the other respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

85040494040



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

Brice M. Clagett, Esquire
Covington and Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044

RE: MUR 1788
President Ronald Reagan
Reagan-Bush '84 and
Angela M. Buchanan Jackson, as
treasurer
Senator Jesse Helms
Helms for Senate Committee and
Mark L. Stephens, as treasurer

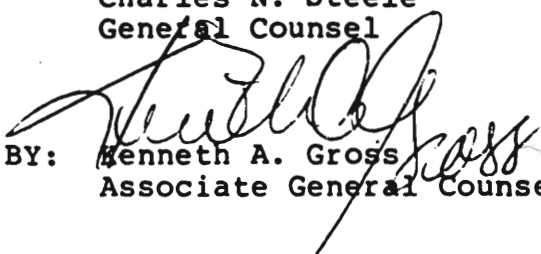
Dear Mr. Clagett:

On September 20, 1984, the Commission notified the Helms for Senate Committee and Senator Helms of a complaint alleging violations of certain sections of the Federal Elections Campaign Act of 1971, as amended.

The Commission, on December 10, 1984, determined that on the basis of the information in the complaint, and information provided by you and the other respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

85040494041



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 14, 1984

Bernard B. Scheps
Gertrude G. Scheps
3838 Pinewood Terrace
Falls Church, Virginia 22041

RE: MUR 1788

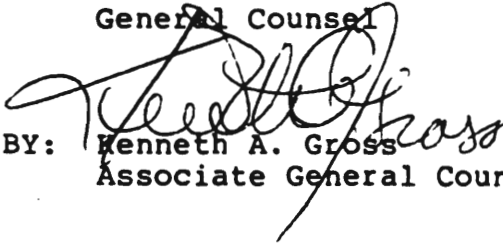
Dear Mr. and Mrs. Scheps:

The Federal Election Commission has reviewed the allegations of your complaint dated September 13, 1984, and determined that on the basis of the information provided in your complaint and information provided by the respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a) (8).

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

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

85040494012

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 1788
President Ronald Reagan)
Reagan-Bush '84)
and Angela M. Buchanan Jackson,)
as treasurer, et. al.)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 10, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1788:

1. Find no reason to believe that President Ronald Reagan or Reagan-Bush '84 and Angela M. Buchanan Jackson, as treasurer, violated 2 U.S.C. § 441d.
2. Find no reason to believe that Senator Jesse Helms or the Helms for Senate Committee and Mark L. Stephens, as treasurer, violated 2 U.S.C. § 441d.
3. Close the file.
4. Approve the letters attached to the First General Counsel's Report signed December 6, 1984.

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

Attest:

12-10-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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

12-6-84, 12:51
12-6-84, 4:00

85040494043



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: December 6, 1984
SUBJECT: MUR 1788 - First General Counsel's Report

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

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒]
Sensitive ☒]
Non-Sensitive ☐]

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

Information ☐]
Sensitive ☐]
Non-Sensitive ☐]

Other ☐]

DISTRIBUTION

Compliance ☒]

Audit Matters ☐]

Litigation ☐]

Closed MUR Letters ☐]

Status Sheets ☐]

Advisory Opinions ☐]

Other (see distribution
below) ☐]

850404941

SENSITIVE

RECEIVED

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

FIRST GENERAL COUNSEL'S REPORT 84 DEC 6 P12: 51

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION: 12/6/84
12:50

MUR 1788
DATE COMPLAINT RECEIVED
BY OGC:
September 17, 1984
DATE OF NOTIFICATION
TO RESPONDENTS:
September 20, 1984
STAFF MEMBER: Matt Gerson

COMPLAINANTS' NAMES: Bernard B. and Gertrude G. Scheps

RESPONDENTS' NAMES: President Ronald Reagan
Reagan-Bush '84
and Angela M. Buchanan Jackson,
as treasurer

Senator Jesse Helms
Helms for Senate Committee
and Mark L. Stephens,
as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441d
11 C.F.R. § 110.11(a)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On September 17, 1984, complainants Bernard B. and Gertrude G. Scheps filed a complaint alleging that a television commercial in which President Reagan advocated Senator Helms' reelection violated 2 U.S.C. § 441d by not including the required disclaimer statement.

President Reagan and Reagan-Bush '84, with Angela M. Buchanan Jackson, as treasurer, filed a response on October 11, 1984. Senator Helms and the Helms for Senate Committee, with Mark L. Stephens, as treasurer, filed a response through counsel

85040494045

on October 17, 1984 after requesting an extension of time in which to answer. We have not yet received a counsel designation statement from the Helms Committee.

FACTUAL AND LEGAL ANALYSIS

Complainants state that on August 29, 1984 at approximately 8:00 a.m. while in Greensboro, North Carolina, they saw a television commercial on a local ABC affiliate in which Ronald Reagan, introduced as President, encouraged voters to reelect, "his friend and valuable advisor, Senator Jesse Helms."

Complainants allege the commercial did not contain a disclaimer statement. Such an omission violates the Act because under 2 U.S.C. § 441d a television advertisement advocating one's election must indicate who paid for, and, where required, who authorized the communication. The Commission's regulations specify that a sponsor's identification must, "be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of persons who paid for and, where required, who authorized the communication."

11 C.F.R. § 110.11(a)(1).

Reagan-Bush '84's response includes an affidavit from Mr. Paul O'Dell, Program Manager of television station WGHP-TV, an ABC affiliate serving Greensboro, North Carolina. See Attachment 1. Mr. O'Dell is responsible for the political commercial spots that air on WGHP-TV. Reagan-Bush '84 asked him to review a video tape of a commercial which aired at approximately 8:00 a.m. on August 29, 1984. Mr. O'Dell states

85040494045

that the political advertisement, "carried at its end a picture of Jesse Helms and the following printed disclaimer: Paid for by Helms for Senate Committee" (emphasis added). Mr. O'Dell adds that the political advertisement which featured President Reagan endorsing Senator Helms, "was aired at the request of, and paid for by, the Helms for Senate Committee."

Reagan-Bush '84's response also includes an affidavit from Doug Watts, the Reagan-Bush '84 Media Director. See Attachment 2. Mr. Watts, who is responsible for Reagan-Bush '84 air time purchases, states that Reagan-Bush '84 did not pay for the political advertisement in question.

The Helms for Senate Committee's response included an affidavit from Committee treasurer Mark L. Stephens. See Attachment 3. Mr. Stephens states that he "reviewed the commercial to which the complaint refers."^{1/} Mr. Stephens states that on the commercial he reviewed, "the disclaimer appears at the end of the commercial in writing superimposed over President Reagan's picture near the bottom of the screen. (The printed disclaimer) states: Paid for by Helms for Senate Committee" (emphasis added).^{2/} Notwithstanding the discrepancy with regard to the video over which the disclaimer ran, the Office of General

-
- 1/ Mr. Stephens' original affidavit contains a typographical error regarding the date on which the commercial he reviewed was aired. He submitted a second affidavit to correct the error. See Attachment 3a.
- 2/ It is possible that Mr. Stephens reviewed an advertisement different from the one in question.

85040494047

Counsel is of the opinion that 2 U.S.C. § 441d(a)(1) was not violated. According to Mr. O'Dell, the Program Manager of WGHP-TV, the political advertisement in question was paid for and authorized by the Senator's authorized political committee and contained the necessary disclaimer statement. Indeed, even if two different commercials are involved, the political advertisements paid for and authorized by the Senator's committee featuring President Reagan appear to contain the required disclaimer. Further, there is no evidence that Ronald Reagan or Jesse Helms individually violated the law. Therefore, the Office of the General Counsel recommends that the Commission find no reason to believe that a violation occurred.

RECOMMENDATIONS

1. Find no reason to believe that President Ronald Reagan or Reagan-Bush '84 and Angela M. Buchanan Jackson, as treasurer, violated 2 U.S.C. § 441d.
2. Find no reason to believe that Senator Jesse Helms or the Helms for Senate Committee and Mark L. Stephens, as treasurer, violated 2 U.S.C. § 441d.
3. Close the file.
4. Approve the attached letters.

Charles N. Steele
General Counsel

Dec. 6, 1984
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

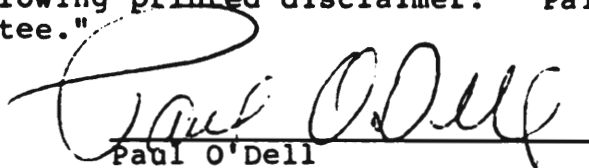
1. Paul O'Dell's affidavit
2. Doug Watts's affidavit
3. Mark L. Stephens' first affidavit
- 3a. Mark L. Stephens' second affidavit
4. Letters to respondents
5. Letter to Complainants

85040494048

Affidavit of Paul O'Dell

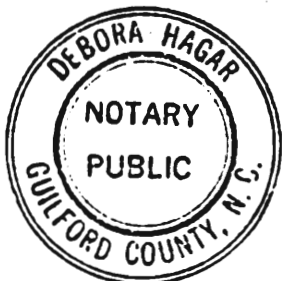
I, Paul O'Dell, being duly sworn, depose and say:

1. That I am the Program Manager of television station WGHP-TV, the ABC affiliate that serves the Greensboro, North Carolina area;
2. That in my capacity as Program Manager I am responsible for all programs that air on WGHP-TV, including political commercial spots;
3. That on September 27, 1984, at the request of the Chief Counsel's Office of Reagan-Bush '84, I viewed a video tape of a political commercial which was aired on WGHP-TV at approximately 8:00 AM, August 29, 1984;
4. That the above described political advertisement, which featured President Reagan endorsing Senator Jesse Helms for re-election, was aired at the request of, and paid for by, the Helms for Senate Committee; and
5. That the above described political advertisement, which was approximately 30 seconds in length, carried at its end a picture of Jesse Helms and the following printed disclaimer: "Paid for by Helms for Senate Committee."


Paul O'Dell

County of Guilford)
State of North Carolina) ss

Subscribed to and affirmed before me this 1st day of October, 1984.



SEAL


Notary Public

My Commission Expires: 6-12-89

85040494042

Affidavit of Doug Watts

I, Doug Watts, being duly sworn, depose and say:

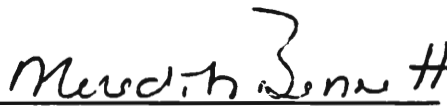
1. That I am the Media Director of Reagan-Bush '84 (General Election Committee), the President's Authorized Campaign Committee;
2. That in my capacity as Media Director of Reagan-Bush '84 I authorize the purchase of air time for any and all political advertisements sponsored by Reagan-Bush '84;
3. That I never authorized the purchase of a 30 second spot on WGHP-TV, the Greensboro, North Carolina ABC-TV affiliate station, aired at approximately 8:00 a.m. on August 29, 1984; and,
4. That Reagan-Bush '84 has not paid for nor is obligated to pay for a 30 second spot on WGHP-TV which aired at approximately 8:00 a.m. on August 29, 1984.


Doug Watts

District of Columbia) ss

Subscribed to and affirmed before me this 9 day of October, 1984.

SEAL


NOTARY PUBLIC

My commission expires: March 14, 1989

85040494050

County of)
) ss:
State of)

AFFIDAVIT OF MARK L. STEPHENS

Mark L. Stephens, having been duly sworn, deposes and says as follows:

1. My name is Mark L. Stephens. I am the Treasurer of the Helms for Senate Committee, the authorized campaign committee of Senator Jesse Helms ("HFS").

2. I have reviewed the complaint filed by Mr. and Mrs. Scheps, styled MUR 1788 by the Federal Election Commission ("Commission"). I have ascertained the followings facts with respect to that complaint.

3. HFS utilizes the disclaimer required by the Commission's regulations on all of its advertising. I have reviewed the commercial to which the complaint refers. It was aired on WGHP, the ABC affiliate in Greensboro, at approximately 8:00 a.m. on August 19, 1984.

4. The disclaimer appears at the end of the commercial in writing superimposed over President Reagan's picture near the bottom of the screen. It states: "Paid for by Helms for Senate Committee."

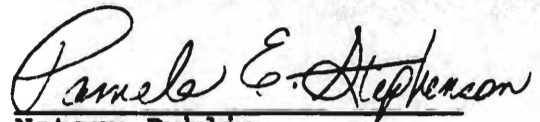
5. It is my experience that this type of written disclaimer is commonly used on television commercials by political committees.

85040494051

The foregoing statement of facts is true and correct to
the best of my knowledge and belief and is made in good faith.

Date: October 18, 1984


Mark L. Stephens


Notary Public

My Commission expires: 6/5/85

85040494052

County of)
State of) ss:
)

AFFIDAVIT OF MARK L. STEPHENS

Mark L. Stephens, having been duly sworn, deposes and says as follows:

1. My name is Mark L. Stephens. I am the Treasurer of the Helms for Senate Committee, the authorized campaign committee of Senator Jesse Helms ("HFS").

2. On October 18, 1984, I executed an affidavit in connection with the complaint styled MUR 1788 by the Federal Election Commission

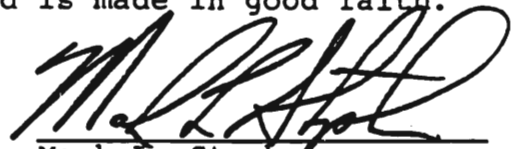
3. Paragraph 3 of my October 18 affidavit in MUR 1788 contains a typographical error. It states:

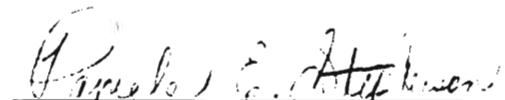
I have reviewed the commercial to which the complaint refers. It was aired on WGHP, the ABC affiliate in Greensboro, at approximately 8:00 a.m. on August 19, 1984."

My affidavit should have read August 29 not August 19.

The foregoing statement of facts is true and correct to the best of my knowledge and belief and is made in good faith.

Date: 11/14/84


Mark L. Stephens


Notary Public

My Commission expires: 6/3/85

85040424055

COVINGTON & BURLING

201 PENNSYLVANIA AVENUE, N. W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

84 OCT 19 P 2: 04

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, DC 20463

3504049405

6CC # 5222

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

(202) 662-6000

WRITER'S DIRECT DIAL NUMBER

(202) 662-5316

FONTAINE C. BRADLEY
EDWARD BURLING, JR.
HOWARD C. WESTWOOD
CHARLES A. HORSKY
JOHN T. SAPIENZA
JAMES H. MULLOHLIN
ERNEST W. JENNES
EDWIN S. COHEN
COUNSEL

JOHN SHERMAN COOPER
OF COUNSEL

TW: 710 662-6000 (CS WSH)
TELEX: 66-663 (COVING WSH)
TELETYPE INFORMATION:
(202) 662-6280
CABLE: COVING

October 19, 1984

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, DC 20463

Re: MUR 1788

Dear Mr. Steele:

Senator Jesse Helms and Helms for Senate Committee ("HFS"), Senator Helms' authorized campaign committee, hereby respond to the complaint in the above matter. The complainants, Mr. and Mrs. Bernard Scheps, allege that while on vacation they watched a television commercial in North Carolina in which President Reagan appears supporting the reelection of Senator Helms. The complaint states: "This message was neither preceded nor followed by any statement of auspices, authority or responsibility. We both heard this message as described."

The Commission's regulations require that, where any communication is paid for by a candidate's authorized committee, then the disclaimer on the communication shall "clearly state that the communication has been paid for by the authorized political committee." 2 C.F.R. § 110.11(a)(1)(i). The regulations state further that the communication should contain a disclaimer displayed in a "clear and conspicuous manner to give the . . . observer . . . adequate notice of the identity" of who paid for the communication. 2 C.F.R. § 110.11(a)(1). As the attached

85040494053

RECEIVED
OCT 19 1984
P 2:05
OFFICIAL USE

Charles N. Steele, Esq.
October 19, 1984
Page 2

affidavit of the Treasurer of HFS demonstrates, the disclaimer here stated that the commercial was paid for by HFS, Senator Helms' authorized committee. The disclaimer appears in writing superimposed at the bottom of the screen at the end of the commercial. It is common practice for written disclaimers of the same nature as the one here to be used on television commercials. See Affidavit at ¶ 5. In fact, the form used here is exactly the same as that suggested by the Commission's own guidelines for candidates. See Campaign Guide for Congressional Candidates and Committees at 11 (Sept. 1982).

The Commission, therefore, should find no reason to believe that Senator Helms and HFS have violated the Federal Election Campaign Act, as amended, 2 U.S.C. § 431 et seq.

Respectfully submitted,



Brice M. Clagett
John R. Bolton
Daniel A. Rowley

85040494056

County of)
) ss:
State of)

AFFIDAVIT OF MARK L. STEPHENS

Mark L. Stephens, having been duly sworn, deposes and says as follows:

1. My name is Mark L. Stephens. I am the Treasurer of the Helms for Senate Committee, the authorized campaign committee of Senator Jesse Helms ("HFS").

2. I have reviewed the complaint filed by Mr. and Mrs. Scheps, styled MUR 1788 by the Federal Election Commission ("Commission"). I have ascertained the followings facts with respect to that complaint.

3. HFS utilizes the disclaimer required by the Commission's regulations on all of its advertising. I have reviewed the commercial to which the complaint refers. It was aired on WGHP, the ABC affiliate in Greensboro, at approximately 8:00 a.m. on August 19, 1984.

4. The disclaimer appears at the end of the commercial in writing superimposed over President Reagan's picture near the bottom of the screen. It states: "Paid for by Helms for Senate Committee."

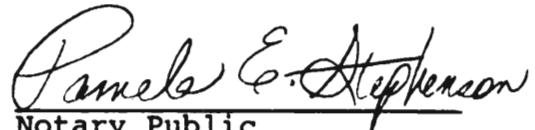
5. It is my experience that this type of written disclaimer is commonly used on television commercials by political committees.

35040494057

The foregoing statement of facts is true and correct to
the best of my knowledge and belief and is made in good faith.

Date: October 18, 1984


Mark L. Stephens


Notary Public

My Commission expires: 6/5/85

85040494053

GCC# 5179

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N.W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

TELEPHONE
(202) 662-6000

WRITER'S DIRECT DIAL NUMBER

(202) 662-5344

TWIX 710 622-0006 (CB WSH)
TELEX 89 593 (COVLING WSH)
TELECOPIER: (202) 662-6290
CABLE: COVLING

October 17, 1984

Matthew Gerson, Esq.
General Counsel's Office
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, DC 20463

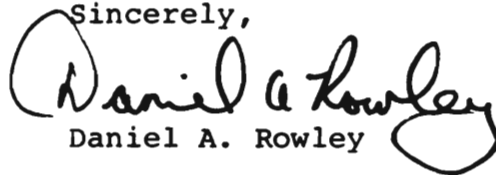
Re: MUR 1788

Dear Mr. Gerson:

Pursuant to our conversation, I am writing to request an extension of time until October 19, 1984, for Senator Jesse Helms and Helms for Senate Committee, Senator Helms' authorized campaign committee, to respond to the complaint in the above matter. As I explained, we did not learn of the complaint until last week. This extension is necessary to prepare an adequate response.

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

Sincerely,


Daniel A. Rowley

RECEIVED
GENERAL COUNSEL
OCT 17 1984
A10:26

85040494052

INGTON & BURLING
NNSYLVANIA AVENUE, N. W.
P. O. BOX 7566
SHINGTON, D. C. 20044

14
757

Matthew Gerson, Esq.
General Counsel's Office
Federal Election Commission
Seventh Floor
1325 K Street, N.W.
Washington, DC 20463

350404940

REAGAN-BUSH '84

The President's Authorized Campaign Committee

GCC#5081

October 11, 1984

BY MESSENGER

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

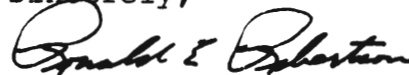
Attention: Kenneth A. Gross, Esq.
Associate General Counsel

Re: MUR 1788

Dear Mr. Gross:

Enclosed please find the Response of Ronald Reagan, Reagan-Bush '84 and its Treasurer, Angela M. Buchanan Jackson to the complaint filed with the Commission on September 17, 1984, by Bernard B. Scheps and Gertrude G. Scheps. This complaint was received by Reagan-Bush '84 on September 26, 1984.

Sincerely,



Ronald E. Robertson
Chief Counsel

RER/cjr
Enclosure

85040494061

BEFORE THE
FEDERAL ELECTION COMMISSION

Bernard B. Schepps and
Gertrude G. Schepps

Petitioners

v.

Ronald Reagan,
Reagan-Bush '84 and
its Treasurer,
Angela M. Buchanan Jackson

Respondents

MUR 1788

RESPONSE OF RONALD REAGAN,
REAGAN-BUSH '84 AND ITS
TREASURER, ANGELA M.
BUCHANAN JACKSON

INTRODUCTION

On September 17, 1984, Bernard B. Schepps and Gertrude G. Schepps ("Petitioners"), filed a complaint with the Federal Election Commission ("Commission") wherein they alleged that at approximately 8:00 a.m. on August 29, 1984 the local ABC-TV network affiliate station in Greensboro, North Carolina, aired a political advertisement in which:

President Reagan... appeared and delivered a short, thoroughly partisan message having no governmental purpose. He asked that everyone see to it that his friend and valuable advisor, Senator Jesse Helms, be re-elected to the Senate.

35040494062

85040494063

Petitioners further alleged that this political advertisement "was neither preceded nor followed by any statement of auspices, authority or responsibility." Although the complaint did not specifically allege that Ronald Reagan or Reagan-Bush '84 violated 2 U.S.C. Section 441d(a), nevertheless, the Commission notified Ronald Reagan, Reagan-Bush '84 and its Treasurer, Angela M. Buchanan Jackson, that it had received a complaint which alleged that certain sections of the Federal Election Campaign Act of 1971, as amended ('the Act') may have been violated.

Ronald Reagan, Reagan-Bush '84 and its Treasurer, Angela M. Buchanan Jackson ("Respondents") submit this response pursuant to 2 U.S.C. Section 437(g)(1) and 11 C.F.R. Section 111.6(a) and for the reasons set forth below respectfully request that this Commission find that there is no reason to believe that Respondents, or any of them, violated 2 U.S.C. Section 441d(a). Respondents contend, and will demonstrate in this response that the complaint herein must be dismissed forthwith for the following reasons. First, there was no violation of 2 U.S.C. Section 441d(a) by Respondents or by any other federal candidate or political committee. Second, the complaint fails to meet certain procedural requirements dictated by this Commission's Regulations.

ARGUMENT

I. THE COMPLAINT MUST BE DISMISSED BECAUSE THERE WAS NO VIOLATION OF 2 U.S.C. SECTION 441d(a).

Title 2, Section 441d(a) of the United State Code requires that

whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate or solicits any contribution...through general public political advertising...

the communication must indicate who paid for it, and where required, who authorized such communication. The Commission's regulations promulgated pursuant to 2 U.S.C. Section 441d(a) specify that a sponsor's identification ("disclaimer") must

be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice of the identity of the persons who paid for...the communication.

11 C.F.R. Section 110.11(a)(1).

It is axiomatic that the disclaimer be presented in a manner suitable to the medium in which the communication is made. With reference to television advertisements the Federal Communications Commission requires that the disclaimer must be of sufficient size to be readily legible to an average viewer;

be shown against a background which does not reduce its legibility; and remain on the screen to be read in full by an average viewer. 66 FCC 2d 77-643.

A. The Political Advertisement In Question Carried With It An Appropriate Disclaimer

8 5 0 4 0 4 9 4 0 6 5
Petitioners' allegation that the political advertisement aired on the Greensboro, North Carolina ABC-TV affiliate station at approximately 8:00 a.m. on August 29, 1984 carried with it no "statement of auspices, authority or responsibility," is totally false; consistent with applicable Commission Regulations, the advertisement in question carried the printed disclaimer - "Paid for by Helms for Senate Committee." As the attached affidavit (Exhibit A) of Mr. Paul O'Dell, Program Manager of WGHP-TV, the ABC-TV affiliate in Greensboro, North Carolina indicates, Mr. O'Dell, at the request of Respondents, reviewed a video tape of the political advertisement aired on his station at approximately 8:00 a.m. on August 29, 1984, and attests that such advertisement contained the printed disclaimer "Paid for by Helms for Senate Committee."

B. Since Reagan-Bush '84 Did Not Pay For Nor Authorize the Political Advertisement in Question, It Is Not Necessary that the Advertisement Carry A Reagan-Bush '84 Disclaimer

If a political committee authorizes and pays for a communication which either expressly advocates the election or defeat of a clearly identified candidate or solicits

contributions through general public political advertising, then and only then, must that committee's disclaimer appear with the communication. As is evidenced by the attached affidavit of Doug Watts, Media Director of Reagan-Bush '84 (Exhibit B), Reagan-Bush '84 did not agree to purchase nor did it pay for the 30 second spot which aired on WGHP-TV at approximately 8:00 a.m. on August 29, 1984. Consequently, no violation of 2 U.S.C. Section 441d(a) occurred when a Reagan-Bush '84 disclaimer did not appear with the political advertisement in question.

II. THE COMPLAINT MUST BE DISMISSED BECAUSE IT DOES NOT COMPORT WITH CERTAIN PROCEDURAL REQUIREMENTS OF THE COMMISSION'S REGULATIONS.

The Commission's Regulations (11 C.F.R. 111.4(d)(4)) require that a complaint "be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to, the complainant." Petitioners admit in their complaint that by contacting the local ABC-TV affiliate station, they could have easily determined the appropriate respondent(s), if any, to name in this matter. In addition, documentation identifying the appropriate respondent(s) could also have easily been obtained from this local station affiliate. Yet Petitioners neglected to obtain such documentation or to even contact the local TV station. If Petitioners had contacted the affiliate station prior to filing the complaint, they not only would have learned the identity of the political committee responsible for the advertisement but they

85040494066

also would have realized that there was no violation of 2 U.S.C. Section 441d(a) by Respondents or by the political committee responsible for the advertisement, the Helms for Senate Committee. Pursuant to 11 C.F.R. 111.5(b) the complaint must be dismissed for failure to provide documentation supporting the facts alleged.

In addition, the Commission's Regulations require that the contents of the complaint be sworn to by the parties who file said complaint. 11 C.F.R. Section 111.4(b)(2). A cursory review of Petitioners' complaint reveals that the complaint is facially defective: while the signatures of the Petitioners are notarized the Petitioners neglected to swear to the contents of the complaint. Consequently, pursuant to 11 C.F.R. Section 111.5(b), the complaint must be dismissed.

IV. CONCLUSION

In summary, Respondents contend that the Petitioners have offered no evidence whatsoever that would justify a reason to believe finding by the Commission that Respondents, or any of them, violated 2 U.S.C. Section 441d(a). Moreover, Respondents have affirmatively demonstrated herein that there is no basis whatsoever for such a reason to believe finding.

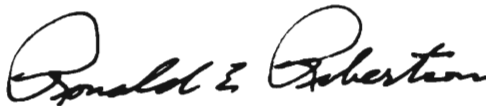
Specifically, Petitioners' complaint is substantively inadequate and must be dismissed forthwith. As the attached affidavit of Paul O'Dell demonstrates beyond a doubt, the

political advertisement referred to in the complaint did in fact carry with it the requisite disclaimer. And as the attached affidavit of Doug Watts demonstrates, Reagan-Bush '84 neither authorized nor paid for the aforementioned political advertisement.

Additionally, the complaint filed herein is procedurally defective in that: (1) contrary to the requirements of 11 C.F.R. 111.4(d)(4) it fails to incorporate documentary evidence readily available to the Petitioners; and (2) contrary to the requirements of 11 C.F.R. 111.4(b)2 the contents of the complaint were not sworn to by the Petitioners.

Therefore, Respondents respectfully request that this Commission find no reason to believe that Respondents, or any of them, have violated 2 U.S.C. Section 441d(a) and that this matter be dismissed without further proceedings.

Respectfully submitted,

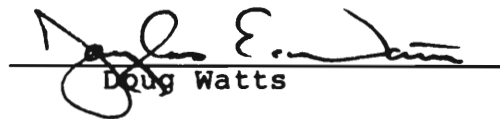


Ronald E. Robertson
Counsel for Respondents,
Ronald Reagan, Reagan-Bush '84 and its
Treasurer, Angela M. Buchanan Jackson

Affidavit of Doug Watts

1, Doug Watts, being duly sworn, depose and say:

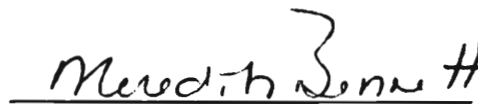
1. That I am the Media Director of Reagan-Bush '84 (General Election Committee), the President's Authorized Campaign Committee;
2. That in my capacity as Media Director of Reagan-Bush '84 I authorize the purchase of air time for any and all political advertisements sponsored by Reagan-Bush '84;
3. That I never authorized the purchase of a 30 second spot on WGHP-TV, the Greensboro, North Carolina ABC-TV affiliate station, aired at approximately 8:00 a.m. on August 29, 1984; and,
4. That Reagan-Bush '84 has not paid for nor is obligated to pay for a 30 second spot on WGHP-TV which aired at approximately 8:00 a.m. on August 29, 1984.


Doug Watts

District of Columbia) ss

Subscribed to and affirmed before me this 9 day of October, 1984.

SEAL


NOTARY PUBLIC

My commission expires: March 14, 1989

85040494067

Affidavit of Paul O'Dell

I, Paul O'Dell, being duly sworn, depose and say:

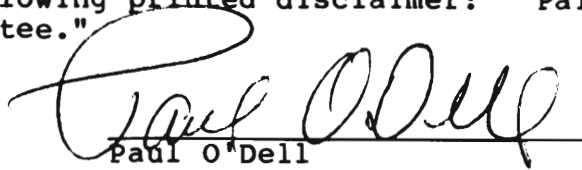
1. That I am the Program Manager of television station WGHP-TV, the ABC affiliate that serves the Greensboro, North Carolina area;

2. That in my capacity as Program Manager I am responsible for all programs that air on WGHP-TV, including political commercial spots;

3. That on September 27, 1984, at the request of the Chief Counsel's Office of Reagan-Bush '84, I viewed a video tape of a political commercial which was aired on WGHP-TV at approximately 8:00 AM, August 29, 1984;

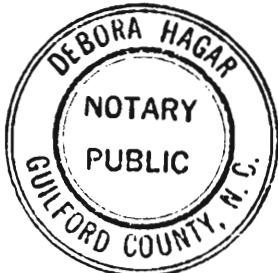
4. That the above described political advertisement, which featured President Reagan endorsing Senator Jesse Helms for re-election, was aired at the request of, and paid for by, the Helms for Senate Committee; and

5. That the above described political advertisement, which was approximately 30 seconds in length, carried at its end a picture of Jesse Helms and the following printed disclaimer: "Paid for by Helms for Senate Committee."

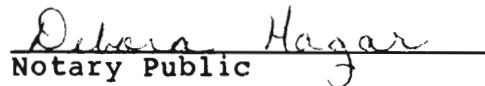

Paul O'Dell

County of Guilford)
State of North Carolina) ss

Subscribed to and affirmed before me this 1st day of October, 1984.



SEAL


Notary Public

My Commission Expires: 6-12-89

35040494070

8 5 0 4 0 4 9 4 0 7 1

Ronald E. Robertson

REAGAN-BUSH '84

The President's Authorized Campaign Committee

440 First Street N.W., Washington, D.C. 20001

Paid for by Reagan Bush '84: Paul Laxalt, Chairman; Angela M. Buchanan Jackson, Treasurer

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

Attention: Kenneth A. Gross, Esq.
Assoc. Gen. Counsel

THE WHITE HOUSE
WASHINGTON

RECEIVED AT THE FEC
HAND DELIVERED

84 OCT 9 P 2: 00

GCC # 5053

October 9, 1984

14 OCT 10 AIO: 43

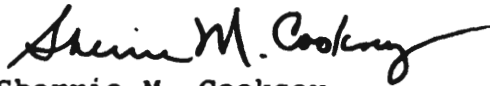
Dear Mr. Gross:

This is to confirm our understanding with respect to the representation of the President in MUR 1788.

As we have discussed, Ronald E. Robertson, Chief Counsel for Reagan-Bush '84 (the President's authorized campaign committee) will respond on behalf of the President and Reagan-Bush '84 to the allegations contained in MUR 1788.

If you have any questions regarding this matter, please do not hesitate to call me, at 456-7803, or Mr. Robertson, at 383-1979. Thank you for your attention to this matter.

Sincerely,



Sherrie M. Cooksey
Associate Counsel to the President

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

cc: Matthew Gerson
Ronald E. Robertson

85040494073

THE WHITE HOUSE
WASHINGTON

404073

RECEIVED AT THE FED
HAND DELIVERED
84 OCT 9 P2

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

To be hand delivered
10/9/84

REAGAN-BUSH '84

The President's Authorized Campaign Committee

RECEIVED AT THE FEC
GCC #4958
84 OCT 3 AB: 46

STATEMENT OF DESIGNATION OF COUNSEL

TO: Federal Election Commission
1325 K Street
Washington, D.C. 20463

RE: MUR 1788

NAME OF COUNSEL: Ronald E. Robertson
Chief Counsel

ADDRESS: Reagan-Bush '84
440 First Street
Suite 600
Washington, D.C. 20001

TELEPHONE: (202) 383-1979

The above named individual is hereby designated as counsel for Reagan-Bush '84 and is authorized to receive any notifications and other communications from the Commission and to act on behalf of Reagan-Bush '84 before the Commission.

Date: October 1, 1984

REAGAN-BUSH '84 (General
Election Commission)

BY: *Angela Buchanan Jackson*
Angela Buchanan Jackson
Treasurer

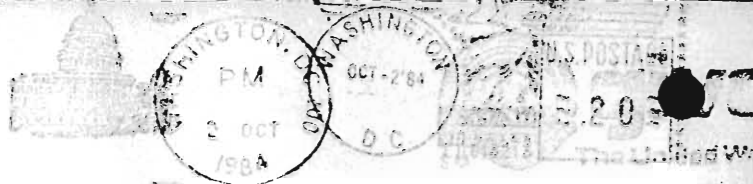
440 First Street, N.W.
Washington, D.C. 20001

(202) 383-1970

85040424071

AGAN-BUSH'84

ident's Authorized Campaign Committee
d E. Robertson



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

Attention: Kenneth A. Gross, Esq.
Associate General Counsel

84 OCT 3 A 8: 46

RECEIVED

Street N.W., Washington, D.C. 20001

5040494075



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The President
The White House
Washington, D.C. 20500

ATTN: Fred Fielding, Esquire
Sherrie Cooksey, Esquire

Re: MUR 1788

Dear Mr. President:

This letter is to notify you that on September 17, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1788. Please refer to this number in all future correspondence.

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

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

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

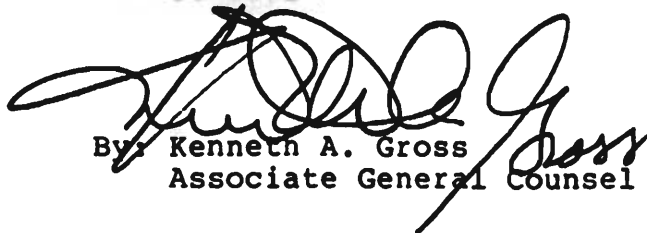
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040494075

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter 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

85040494077



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Angela M. Buchanan Jackson
Treasurer
Reagan-Bush '84
440 First Street, N.W.
Washington, D.C. 20001

Re: MUR 1788

Dear Ms. Jackson:

This letter is to notify you that on September 17, 1984 the Federal Election Commission received a complaint which alleges that the 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 1788. Please refer to this number in all future correspondence.

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

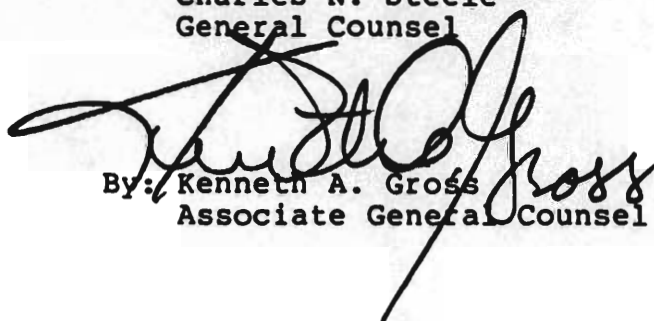
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040494073

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter 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

85040494077



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jesse Helms
Senate Dirksen 402
United States Senate
Washington, D.C. 20510

Re: MUR 1788

Dear Senator Helms:

This letter is to notify you that on September 17, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1788. Please refer to this number in all future correspondence.

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

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

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

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

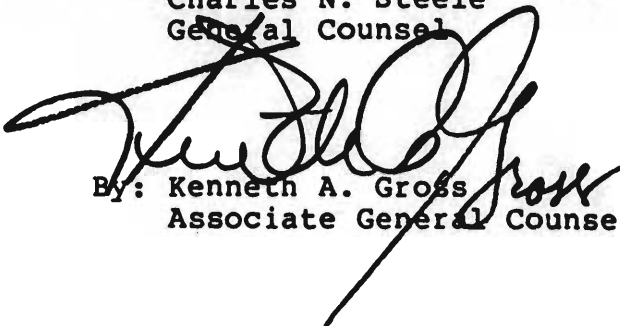
85040494030

- 2 -

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter 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

85040494081



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mark L. Stephens
Treasurer
Helms for Senate Committee
1233 Pond Street
Cary, North Carolina 27511

Re: MUR 1788

Dear Mr. Stephens:

This letter is to notify you that on September 17, 1984 the Federal Election Commission received a complaint which alleges that the 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 1788. Please refer to this number in all future correspondence.

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

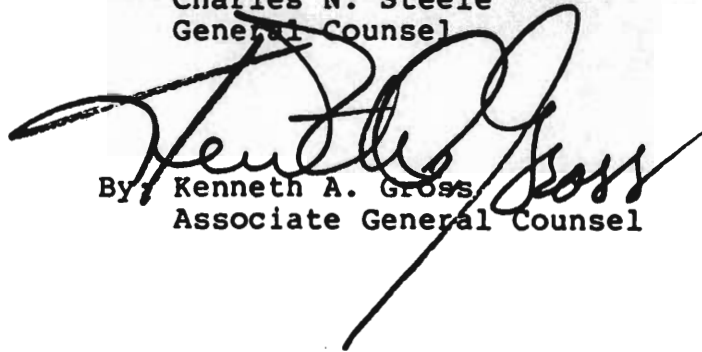
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

85040494032

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter 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

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

By: Kenneth A. Gross
Associate General Counsel

Enclosures

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

85040494083



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

September 20, 1984

Bernard B. Schepps
Gertrude G. Schepps
3838 Pinewood Terrace
Falls Church, Virginia 22041

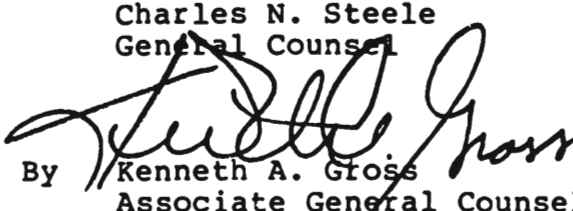
Dear Mr. and Mrs. Schepps:

This letter is to acknowledge receipt of your complaint which we received on September 17, 1984, against Senator Jesse Helms, Mark L. Stephens, Helms for Senate Committee, Angela M. Buchanan Jackson, Reagan-Bush, and President Ronald Reagan, 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

85040494084

RECEIVED AT THE FED

84 SEP 17 10:30

600 4706

Bernard B. & Gertrude G. Scheps
3838 Pinewood Terrace
Falls Church, VA 22041
Tel (703) 253-0781

MUR
1788

84 SEP 17 12:11

RECEIVED
CLINT M. H.
GENERAL COUNSEL

Office of the General Counsel
Federal Elections Commission
1325 K Street N.W.
Washington, D. C. 20005

Gentlemen:

Reference our letter 29 August and your reply dated 10 September signed for General Counsel by Kenneth A. Gross, with enclosures as stated.

We, the undersigned, wish to lodge a formal complaint in conformance with the Federal Election Campaign Act of 1971, as amended and more particularly the requirements of 2 U.S.C. § 437g(a)(1) and your regulations 11 C.F.R. § 111.4 (a) through (d).

On the morning of 29 August 1984 we were at the Days Inn Motel in Greensboro, North Carolina. We were watching a news and commentary program on the local ABC-TV network affiliate station. At approximately 8 A.M. there was a station break. A voice came on and said "Ladies and Gentlemen, the President of the United States." President Reagan then appeared and delivered a short, thoroughly partisan message having no governmental purpose. He asked that everyone see to it that his friend and valuable advisor, Senator Jesse Helms, be re-elected to the Senate. This message was neither preceded nor followed by any statement of auspices, authority or responsibility. We both heard this message as described. Regular programming then resumed.

Since this was an act of omission we cannot tell you who was responsible -- precisely the point of requiring identification of the source of political advertisements. One would have to suppose that a national or local organization supporting Senator Helms was responsible. Surely the records of the ABC-TV affiliate should show this clearly.

We believe this message to have been presented in an illegal and improper manner which implied that the President was speaking in an official capacity rather than for a paid political advertisement.

Bernard B. Scheps
Bernard B. Scheps

Gertrude G. Scheps
Gertrude G. Scheps

Residing at: 3838 Pinewood Terrace
Falls Church, VA. 22041
County of Fairfax, VA.

Paul Vachon

Sworn to before me this date
13 Sept. 1984

Paul Vachon
Notary

9-13-84

My Commission Expires January 26, 1988

85040494085



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1788

Date Filmed 1/4/85 Camera No. --- 2

Cameraman AS

85040494086



FEDERAL ELECTION COMMISSION

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

85040614075
ADDITIONAL MATERIAL
THIS IS THE END OF MUR # 1788

Date Filmed 2/28/85 Camera No. --- 1

Cameraman JRL

RECEIVED AT THE FEC

G.C.C. # 6374

85 JAN 11 AM 1:00

3838 Vinewood Terrace
Falls Church, VA 22041
January 9, 1983

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

RE: MMR 1708

Dear Mr. Gross:

The purpose of this letter is to voice our disappointment and disagreement with the recommendations from your office to the Commission and their resultant finding. We do not believe the evidence was carefully and logically considered and that the recommendations and finding fly in the face of conflicting testimony from the respondents. Some of those respondents' affidavits must indeed be in error at the very least.

First, there is the fact that we never testified to having seen any picture of Sen. Helms -- and indeed we did not see any picture of him -- with or without a disclaimer. Thus, references by respondents to the disclaimer having appeared at the bottom of the Senator's picture are not germane. Are they referring to the same clip we saw?

Second, those respondents who testified that the disclaimer was written across the bottom of the President's picture raise the possibility that it was not prominently displayed and easily readable as required by your regulations. Did the Commission view the clip to establish this?

Third, while any or all of the disclaimers may or may not exist, all that is necessary to vitiate the requirement for a disclaimer is for the TV station to stop the playing of the video before it has concluded. This may be done with malicious intent or may simply arise from the station's intent to conform to a too tight schedule. The latter happens frequently to advertisers on TV.

Thus, in light of the above, we believe this matter not to have been pursued with the diligence required by the conflicting testimony and the questions raised thereby. We do not believe that your recommended and accepted finding that there was no violation can be logically supported by the facts. In our opinion the facts would appear to support a finding that:

1. There may, indeed, have been a violation.
2. There should be further investigation to clarify conflicting testimony.
3. The tapes should be physically examined by the Commission to verify the existence and quality of the alleged disclaimers.
4. The running time of the full tape should be determined and checked with the TV station log book and schedule for that date.

5040514076

Such a procedure may resolve the presently conflicting evidence and permit your office to make a logical determination.

We expect nothing less in the interest of good government.

Very truly yours,

Bernard B. Schaps

Bernard B. Schaps

Gertrude G. Schaps

Gertrude G. Schaps

85040314077

RECEIVED

2

RECEIVED

ROUTE

GCC#5820

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

TELEPHONE
(202) 682-6000

WRITER'S DIRECT DIAL NUMBER

TWX: 710 622-0005 (CB WSH)
TELEX: 88-593 (COVLING WSH)
TELECOMPAR INFORMATION
(202) 682-6280
CABLE: COVLING

November 29, 1984

BY HAND

Matthew Gerson, Esq.
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

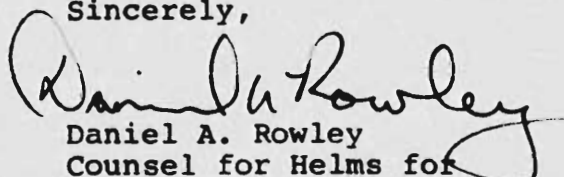
Re: MUR 1788

Dear Mr. Gerson:

Pursuant to your request, enclosed is an affidavit of Mark L. Stephens concerning the typographical error in his October 18, 1984, affidavit. It shows that Mr. Stephens' October 18 affidavit was discussing the advertisement referred to in the complaint in this matter.

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

Sincerely,


Daniel A. Rowley
Counsel for Helms for
Senate Committee and
Senator Helms

Enclosure

85040514078

14 NOV 29 P12:15

GENERAL INVESTIGATIVE

5040514079
Daniel A. Rowley
COVINGTON & BURLING

601 PENNSYLVANIA AVENUE, N. W.

P. O. BOX 7566

WASHINGTON, D. C. 20044

BY HAND

Matthew Gerson, Esq.
Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

County of)
State of) ss:

AFFIDAVIT OF MARK L. STEPHENS

Mark L. Stephens, having been duly sworn, deposes and says as follows:

1. My name is Mark L. Stephens. I am the Treasurer of the Helms for Senate Committee, the authorized campaign committee of Senator Jesse Helms ("HFS").

2. On October 18, 1984, I executed an affidavit in connection with the complaint styled MUR 1788 by the Federal Election Commission

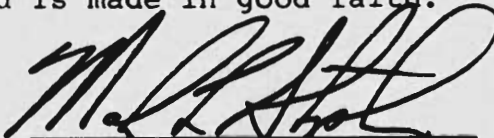
3. Paragraph 3 of my October 18 affidavit in MUR 1788 contains a typographical error. It states:

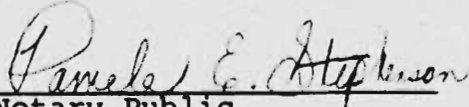
I have reviewed the commercial to which the complaint refers. It was aired on WGHP, the ABC affiliate in Greensboro, at approximately 8:00 a.m. on August 19, 1984."

My affidavit should have read August 29 not August 19.

The foregoing statement of facts is true and correct to the best of my knowledge and belief and is made in good faith.

Date: 11/14/84


Mark L. Stephens


Notary Public

My Commission expires: 6/5/85

85040514080



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1788

85040314081