



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1804

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

Camcraman AS

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ROUTING SLIPS; OBJECTION MEMO; MEMO FROM DOCKET
RE: NAMES & ADDRESSES OF COMPLAINANT & RESPONDENT;
MUR ASSIGNMENT FORM

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

Stephen Levin
12-27-84

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

SANE, Inc.)

David Cortright, Executive Director)

MUR 1804

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of December 18, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1804:

1. Find no reason to believe that SANE, Inc. violated 2 U.S.C. § 441d.
2. Find no reason to believe that SANE, Inc. violated 11 C.F.R. § 114.3(a)(1).
3. Find no reason to believe that SANE, Inc. violated 2 U.S.C. § 441b(a).
4. Approve the letters attached to the General Counsel's report dated December 12, 1984.
5. CLOSE THE FILE.

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

Attest:

12-20-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 21, 1984

H. Richard Mayberry, Jr., Esquire
Ninth Floor
1667 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1804
(SANE, Inc.)

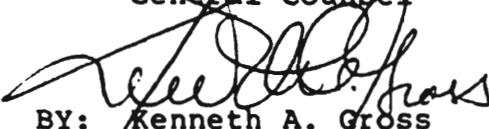
Dear Mr. Mayberry:

On October 12, 1984, the Commission notified your client, SANE, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 18, 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

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 21, 1984

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

RE: MUR 1804

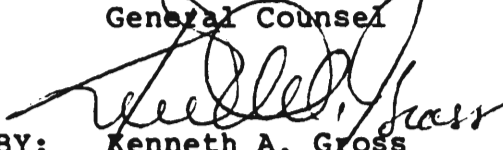
Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations of your complaint dated September 28, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

H. Richard Mayberry, Jr., Esquire
Ninth Floor
1667 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1804
(SANE, Inc.)

Dear Mr. Mayberry:

On October 12, 1984, the Commission notified your client, SANE, Inc., of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on _____, 1984, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. 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

Enclosure
General Counsel's Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

RE: MUR 1804

Dear Mr. Dolan:

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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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cut*
DATE: December 12, 1984
SUBJECT: MUR 1804 - 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 [X]
Sensitive [X]
Non-Sensitive []

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

Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []

Litigation []
Closed MUR Letters []

Status Sheets []
Advisory Opinions []

Other (see distribution below) []

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION *12/12/84 4:30* MUR# 1804
DATE OF COMPLAINT RECEIVED BY OGC: October 5, 1984
DATE OF NOTIFICATION TO RESPONDENT: October 12, 1984
STAFF MEMBER: Stephen Levin

COMPLAINANT'S NAME: National Conservative Political Action Committee
John T. Dolan, Chairman

RESPONDENT'S NAME: SANE, Inc.
David Cortright, Executive Director

RELEVANT STATUTES: 2 U.S.C. § 431(8)(A)(i)
2 U.S.C. § 441b(a)
2 U.S.C. § 441d
2 U.S.C. § 441d(a)(3)

11 C.F.R. § 109.1(b)(2)
11 C.F.R. § 114.3(a)(1)

RELEVANT ADVISORY OPINIONS: A.O. 1984-14
A.O. 1984-17

SUMMARY OF ALLEGATIONS

On October 5, 1984, the National Conservative Political Action Committee (hereinafter "NCPAC") filed a complaint with the Commission against SANE, Inc. (also known as the "Committee for a Sane Nuclear Policy"). The complaint alleges that SANE, a licensed non-profit corporation under the laws of the State of Delaware, which is also qualified to do business as a non-profit corporation under the laws of the District of Columbia, violated the provisions of 2 U.S.C. § 441d by making expenditures for the purpose of financing communications which expressly advocate the defeat of Ronald Reagan without including the necessary

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disclaimer in those communications. According to the complaint, the communications were in the form of direct mailings sent by SANE to the general public. The complaint further alleges that the communications were "unauthorized solicitation[s] by an organization other than SANE PAC," which is the connected, separate segregated fund sponsored by SANE, suggesting a possible violation of 11 C.F.R. § 114.3(a)(1). The complaint also suggests a possible violation by SANE of 2 U.S.C. § 441b(a), which prohibits corporations from making any contributions or expenditures in connection with a federal election.

FACTUAL AND LEGAL ANALYSIS

The subject of this complaint by NCPAC is one particular letter which was sent out by SANE during the time periods of January 9 through January 31, 1984 and May 9 through June 6, 1984. (See Attachment I.) This letter attempted to raise money and attract new members to SANE by calling attention to the policies of the Reagan Administration vis-a-vis national defense and disarmament, which SANE is actively opposing.

NCPAC's allegation that SANE violated 2 U.S.C. § 441d in the course of these mailings rests on the conclusion that such communications required the inclusion of a disclaimer. According to that section, anytime anyone makes an expenditure with the intention of financing communications which expressly advocate the defeat, in this case, of a candidate who is clearly identified; or anytime anyone solicits a contribution through any

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direct mailing, that communication, if it is "not authorized by a candidate, an authorized political committee of a candidate, or its agents," must include a disclaimer which clearly indicates "the name of the person who paid for the communication" and that "the communication is not authorized by any candidate or candidate's committee." 2 U.S.C. § 441d(a)(3). It is true that no such disclaimer appeared in these mailings. However, upon review of the mailings in question, this Office concludes that no such disclaimer was necessary.

As listed above, there are two possible situations which would require disclaimers when such communications are not authorized by any candidate or candidate's committee, as is the case here; first, when there is express advocacy of the election or defeat of a clearly identified candidate; and second, when there is a solicitation for contributions through direct mail. Neither of those situations is analogous to the matter at hand.

Of primary importance is the fact that there is no express advocacy included within the communications in question in this case. In Buckley v. Valeo, 424 U.S. 1 (1975), the Supreme Court held that in order for such communications to be considered express advocacy they must be "unambiguously related to the campaign of a particular federal candidate." Buckley, 424 U.S. at 80. The Court provided an illustrative list of terms which, if used, would be considered examples of express advocacy (words like "vote for," "vote against," "elect," and "defeat"); a list which was codified in regulations promulgated by the Commission

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in adopting the definition of express advocacy used in Buckley. 11 C.F.R. § 109.1(b)(2). In this matter, the communications did not reach those standards in that, even though the mailings were sent out during the presidential primary campaign season, the mailings were confined to discussions of issues, not elections or candidates in an electoral posture. That point is more clearly made by reviewing the way Ronald Reagan's name and the topic of the presidential election were discussed in the context of SANE mailings. Following are several typical examples:

The Reagan Administration's constantly escalating military arsenal is something which we, the people of this nation, can no longer accept. It threatens our economy, our environment, our well-being and our lives.

During the 1984 political season, we must challenge Reagan's military madness and create a favorable political climate for peace. SANE is preparing a major new push to mobilize the peace community for the electoral process and ensure that the widespread public support for a nuclear freeze is translated into power at the polls. Your support is needed to help us succeed. (Emphasis in original.)

Right now, SANE is engaged in a new nationwide campaign to raise public awareness of the grave perils posed by President Reagan's arms policies...of the fact that we can cut arms spending without harming national security...and of the need to bring pressure on decision makers to change our current direction.

(For additional examples, see the complete text of SANE mailings, included as Attachment I.)

The second situation under which a disclaimer would be required is one where the direct mailing solicits a contribution. A contribution is anything of value provided by someone for the purpose of influencing a Federal election. 2 U.S.C. § 431(8)(A)(i). Since, as previously established, nothing in these communications could be read as constituting any sort of

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electioneering, such solicitations, although they did request money for the organization, could not be said to have been for the purpose of influencing a Federal election. Therefore, these solicitations are not considered contributions for purposes of 2 U.S.C. § 441d(a)(3) and, as such, did not require the inclusion of disclaimers. Accordingly, this Office recommends the Commission find that there is no reason to believe that SANE violated 2 U.S.C. § 441d(a)(3) by not including disclaimers in their direct mailings.

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The complaint further alleges that SANE's mailings to the general public constituted "unauthorized solicitation[s] by an organization other than SANE PAC," which is the connected, separate segregated fund sponsored by SANE. While it is true that these solicitations were conducted "by an organization other than SANE PAC," i.e., they were conducted by SANE, Inc., this Office finds no basis in fact for NCPAC's contention that such solicitations were "unauthorized," in the sense of being prohibited by 11 C.F.R. § 114.3(a)(1). The pertinent part of that regulation prohibits a corporation from making "contributions or expenditures for partisan communications" to people outside of the corporation's restricted class, i.e., its members/stockholders, thus prohibiting such communications to the general public "in connection with a federal election." While it is true that SANE's mailings were distributed beyond the corporation's restricted class, i.e., to the general public, the allegation nevertheless fails on several grounds. First, in order to be considered a contribution or expenditure for the purposes of the

Act, such contribution or expenditure must be made "for the purpose of influencing" a Federal election. As was established in a prior section of this report, SANE's mailings were made for the purpose of informing people about issues, not for the purpose of influencing an election. As such, they cannot be considered expenditures or contributions for the purpose of the Act and therefore SANE's mailings were not violative of 11 C.F.R. § 114.3(a)(1) on those grounds.

Furthermore, in order for such communications to violate that section, they must be made "in connection with a federal election." As has been previously established, SANE mailings do not relate in any way to any election. The United States Court of Appeals for the Third Circuit required that in order for a contribution or expenditure to be regarded as being in connection with a federal election, a nexus must be established between the alleged contribution or expenditure and the federal election in question. Miller v. AT&T, 507 F.2d 759, 764 (1974).

In the matter at hand, no such nexus has been established. All the communications in question concern themselves with issues and do not mention or discuss elections or candidates in an electoral posture. Their mention of Ronald Reagan, for example, is only related to his disagreement with SANE on various issues. He is not described in any way which could be construed as active electioneering by SANE. Thus, these communications cannot be considered to be "in connection with a federal election" and therefore do not fall within the purview of 11 C.F.R.

§ 114.3(a)(1).

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Finally, in order for communications to constitute a violation of 11 C.F.R. § 114.3(a)(1), as alleged, such communications must be considered partisan. Throughout these regulations, the word "partisan" is used to connote support of or connection with a particular candidate or party. The communications in question here are not election oriented in any way. As such they can hardly be considered partisan communications within the meaning of 11 C.F.R. § 114.3(a)(1) and, as such, represents another reason why SANE cannot be held to have violated that regulation.

Thus, this Office recommends that the Commission find that there is no reason to believe that SANE's solicitations were "unauthorized" and therefore no reason to believe that the mailings in question violated 11 C.F.R. § 114.3(a)(1).

In its final allegation, NCPAC, by referring to AO 1984-14, suggests that SANE violated 2 U.S.C. § 441b(a), under which it is unlawful for any corporation "to make a contribution or expenditure in connection with any election." AO 1984-14 involved a situation where voting guides (containing voting records) were distributed, which characterized certain answers or certain issues as right and wrong and as such were determined to be violative of 2 U.S.C. § 441b. However, a situation more analogous to the one at hand existed in AO 1984-17, which distinguished election or candidate oriented communications which would be considered contributions or expenditures in connection with an election and, as such, would be unlawful (such as those cited in AO 1984-14), from issue oriented communications which would not be considered contributions or expenditures in

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connection with an election and therefore would be permissible (such as those cited in AO 1984-17).

The communications in question here clearly fall within the latter category. They do not do any "electioneering," i.e., they do not refer to anyone as a candidate and they do not mention the subject of voting in any election. They are strictly issue oriented and they do not make any connection between the issues raised and any election. As such, this Office recommends the Commission find that there is no reason to believe that SANE violated 2 U.S.C. § 441b(a).

RECOMMENDATIONS

1. Find no reason to believe that SANE, Inc. violated 2 U.S.C. § 441d.
2. Find no reason to believe that SANE, Inc. violated 11 C.F.R. § 114.3(a)(1).
3. Find no reason to believe that SANE, Inc. violated 2 U.S.C. § 441b(a).
4. Approve attached letters.
5. Close the file.

Charles N. Steele
General Counsel

Dec. 12, 1984
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Attachment I (Copy of SANE's mailings)
Letter to Complainant
Letter to Respondent

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A CITIZENS' ORGANIZATION FOR A SANE WORLD

Exhibit # 1

①

Dear Friend:

It's time for you to speak out--you, your family and your friends.

The Reagan Administration's constantly escalating military arsenal is something which we, the people of this nation, can no longer accept. It threatens our economy, our environment, our well-being and our lives.

We therefore urge you to join a concerted nationwide effort to reverse the momentum of the sweeping nuclear arms plan that brings us closer and closer to international disaster. In the next few minutes, you will read about three important steps you can take to thwart the arms race. You will also learn about SANE, the citizens' organization dedicated solely to preventing war and putting an end to the insane buildup of arms by both the United States and the Soviet Union.

President Reagan is unsatisfied with such instruments of overkill as the Trident, the highly accurate cruise missile, and the proposed nuclear white elephant known as the MX missile. Now he has decided to put into production neutron warheads, the high radiation weapons designed to kill people while inflicting limited damage on property.

History has taught us, if it has taught us anything, that men seldom create armaments that are not eventually put to use.

And logic has taught us that when our government has earmarked trillions of dollars for the military--in fact has put forth a budget for the next five years that is much greater than the budget for the Vietnam War during the five year peak of buildup there--that someone is going to have to pay for it.

You are that someone.

In fact, you are already paying for it.

Almost all our government's human and public services have been pared to the bone. The Reagan Administration says we can afford neutron warheads and an MX missile that will cost one hundred billion dollars during the life of the system. But they also say we must cut funds to provide health care for the needy, and aid for dependent children, and job training for the unemployed. And for the first time in its history,

(over, please)

BOARD OF DIRECTORS

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- William Winsinger

- Robert Z. Apem
- David Bates
- Russ Bellant
- Eula Bingham
- Hon. Anita Blackwell
- Robert D. Bloom
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- Gordon Burck
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- Lloyd Jeff Dumas
- Dr. Jerome D. Frank
- Martin Gittelman
- Luisa Gratz
- Hon. Tom Harlan
- Connie Hogan
- Dr. Homer A. Jack
- Paul H. Jones
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- Marcy Wenzler

Executive Committee

Executive Director
David Corrigan

2

even our social security program is being assailed.

A strong national defense is legitimate. An endless arms race is not. It borders on insanity and self-destruction to add to our massive stockpile of weapons:

- when we already have nearly 30,000 nuclear warheads compared to 20,000 for the Soviets;
- when we already have the means to destroy every Soviet city more than 50 times over;
- when, despite right-wing claims to the contrary, the facts show that we are #1 in military strength.

Yet, the Reagan Administration is determined to put one and one half trillion dollars into new armaments by 1985 "to defend the American way of life". Surely, by so doing, they are doing more to destroy our way of life than any external enemy could. Examine these facts:

- Arms spending is the largest form of government expenditure (excluding social security) and is the chief cause of high personal income taxes.
- Arms production pours dollars into the economy without adding a comparable volume of useable goods--a classic formula for inflation.
- Labor Department figures show that military spending creates fewer jobs per dollar spent than almost any other form of investment.
- Military spending diverts capital and skilled labor from civilian industries and saps our ability to compete in the international marketplace. As arms spending increases, our traditional economic strength fades, and we fall further behind our foreign competitors.

Why then are we escalating the arms race? Where is the real push coming from? It's coming from the same sources the profits and the power are going to--the arms industry.

In Reagan's "Alice in Wonderland" world, military policy is not based on a need to counter a real threat. It is based, to a large degree, on the needs of giant defense contractors who meet, often behind closed doors, with Pentagon officials to decide the future course of events.

These defense contractors and Pentagon officials know each other--and their mutual needs--well. In fact, a "revolving door" policy from government to corporate ranks and back again is common practice. Prior to becoming Secretary of Defense, for example, Caspar Weinberger was Vice-President and General Counsel of the Bechtel Group, Inc. Recently appointed Secretary of State George Shultz also came directly from Bechtel, where he served as President. And now the Bechtel Group has been awarded a \$19.3 million contract for development of the MX missile! This is far from an isolated case.

In the last ten years over 1900 individuals have moved between the Pentagon and NASA and their eight largest corporate contractors.

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Corporations such as McDonnell Douglas, Lockheed and General Dynamics spend millions of dollars to serve their cause--through lobbying, political action committees and membership in organizations like the powerful American Security Council.

The five largest contractors spend approximately \$9 million a year for their Washington-based "government relations" offices. Boeing alone has 15 registered lobbyists. Over 90 per cent of the costs of these operations are charged to the Pentagon and ultimately are paid for by taxpayers--you and me. *

These same interests have set in motion a well-financed propaganda campaign to convince us that the Russians are ahead and that we have no choice but to follow the "cold warriors" down whatever road they take us on. On the basis of these self-serving cries of weakness, we have embarked on a military escalation unprecedented in our history, both in terms of its financial burden and its lethal potential.

It's time the American people were made aware that we can never be truly secure as long as we continue to pour our nation's energies and money into escalating our arms arsenal. It's time we woke up to the fact that for every move we make, the Russians will make a countermove.

Case in point: When former President Carter announced his decision to defer production of neutron warheads, the Soviet Union also deferred its production. Now that we have begun their manufacture, the Soviets are ready to "respond to the challenge". In the same way, they will respond to all our challenges.

Until only the dubious advantage of "first strike" is left.

What then?

It's a scenario too many Americans refuse to consider. The prospect is too frightening.

Since the accident at the Three Mile Island nuclear facility, there has been a great deal of public discussion about nuclear technology--specifically, the dangers posed by unsafe nuclear power plants and lethal nuclear wastes. But what happened at Three Mile Island is miniscule compared to the dangers of our ever-mounting nuclear arsenal. The catastrophic dimensions of even a so-called "limited" nuclear war are almost beyond comprehension.

According to military authorities, nuclear war can bring with it anywhere from 80 million to 150 million American deaths. Those are figures the military is willing to live with.

Are you?

We urge you not to bury your head in the sand and pretend that the arms buildup between the United States and the Soviet Union isn't the greatest threat to the future of this planet. There has to be another way. We urge you to get to know the facts about this issue and to act as your conscience dictates.

*Source: Gordon Adams, The Iron Triangle, Council on Economic Priorities, 1961.

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You have an avenue of redress. It is SANE.

For over 20 years, SANE has been fighting for that "other way"--one that will lead to the enrichment of human life, not its extinction.

Right now, SANE is engaged in a new nationwide campaign to raise public awareness of the grave perils posed by President Reagan's arms policies...of the fact that we can cut arms spending without harming national security...and of the need to bring pressure on decision makers to change our current direction.

SANE has fought and continues to fight more urgently than ever on many fronts.

SANE was the first group to fight the costly, senseless MX missile, and has emerged as the leader in that fight. The MX will deplete the U.S. Treasury of tens of billions of dollars (enough to pay for all the employment, social security and housing programs cut in the 1982 budget) while adding as many as 1,000 hydrogen bomb warheads to our already terrifying stockpile.

SANE has embarked on a nationwide campaign against the neutron bomb.

SANE was instrumental in the late 1960's and early 1970's in defeating the ABM (Anti-Ballistic Missile). And we are in the fight once again today to prevent military planners from reviving the ABM.

SANE played a big role in the Vietnam peace movement and eventually helped the U.S. get out of Vietnam.

As far back as 1963, SANE was credited in helping with the passage of the Limited Test Ban Treaty. Thanks to that treaty, we do not live in fear today of atmospheric fallout.

We lobby. We publish research information about the arms buildup. We have a national radio network on more than 150 stations. We distribute materials to schools, religious groups, civic groups and others. We organize political actions against the arms buildup. We organize groups in communities across the country. We gather and disseminate information about arms control to important decision makers in our nation's capital. We activate a network of thousands when there is a need for citizens to make their voices heard. We provide the media with data to counter Pentagon propaganda. We have established strong alliances with labor unions, environmental groups and religious organizations.

We don't just hope for peace. We work for it.

And we need your help to continue that work.

You have a choice. You can give in to the Reagan Administration, the New Right and the military-industrial complex, and say that they are too strong to fight. Or you can take that all-important first step in challenging their power. What happens to you and your children and their children will be determined by what you decide.

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In some small way, through your support of SANE, you could shape history. What will the historians say when they write about us? Will they say that the United States was first in military power--but eighteenth in doctor-patient ratio... fifteenth in infant mortality...ninth in life expectancy? All these statistics are true today.

Or will they be able to say that despite overwhelming efforts by well-heeled multi-national corporations and a powerful military, the people of the United States were able to bring about changes--and that the United States converted a military economy into a productive civilian one, providing better education and transportation; helping people train for better jobs and developing new energy sources.

It's not such a farfetched concept. And whether or not these things come to pass depends a great deal on what you and I do today to work for them.

We CAN be a strong, independent nation without an insane buildup of arms. We CAN have arms control agreements and international disarmament measures without threatening our security. With modern communications development, such agreements can be almost flawlessly monitored.

I mentioned at the beginning of this letter that there are three things you can do to thwart the arms race. Here they are:

First: Make your opinions heard on this matter. Write to the President and to your representatives in Congress. Tell them you are opposed to the MX mobile missile, the ABM and the neutron bomb. Tell them you want to see your tax dollars go toward improving the quality of life in this country, not toward fattening the bloated coffers of arms manufacturers.

Second: Alert your friends and associates to this issue. And tell them to discuss it with their friends. We need to create a groundswell of public opinion about the escalating arms race. If you need more information about the issue, SANE will be pleased to send it to you. Your spark of energy can ignite a chain reaction that can help change our nation's priorities.

Third: Join SANE. We're fighting for you. We need your support.

Our political heritage holds that it is the function of government to protect the rights and security of its people. In the words of Douglas Fraser, president of the United Auto Workers, "No matter how big our armed forces, no matter how many bombs or missiles we have, our country cannot be...totally secure unless we eliminate poverty and bigotry, and establish social, political and economic justice for all people."

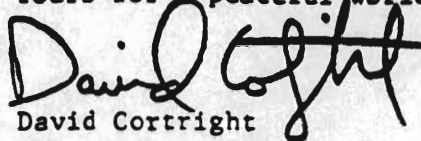
(over, please)

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6

That is the true national security. Join us in working for it.

Yours for a peaceful world,


David Cortright
Executive Director

P.S. There is a fourth thing you can do. You can express your views on the enclosed National Opinion Poll. And your opinions on the arms race matter will reach the men and women in our government who might help bring about desperately needed changes in our arms policies.

Recycling saves trees. This is 100% recycled paper.

Please forgive us if you have received duplicate appeals. In the process of reaching out to new sponsors, we utilize many different mailing lists. Often a name may appear on more than one list, and when that happens, you will receive more than one letter. Whenever possible, we utilize a computer to eliminate multiple names, but not all lists are in a form which can be duplicated in this manner. In the interest of conservation, why not pass duplicates along to someone who might be interested in our work?

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National Opinion Poll

7

Please enter your answers below and return this form in the enclosed postage-free envelope.

1. Do you agree or disagree that the United States should produce neutron warheads?
☐ Agree
☐ Disagree
2. Do you agree or disagree that the United States should proceed with the MX missile program?
☐ Agree
☐ Disagree
3. Are you more or less secure because of the U.S. nuclear arms stockpile?
☐ More secure
☐ Less secure
4. Do you agree or disagree that more tax dollars should be spent on human services rather than on the military?
☐ Agree
☐ Disagree

To join SANE, please fill out below:

☐ I support SANE's programs and want to become a member. I am enclosing \$20 for my annual dues (\$10 for students, GI's and fixed incomes). Please keep me informed of activities and developments in nuclear arms issues with your monthly newsletter, *Sane World*.

☐ I am already a SANE member. Enclosed is an extra contribution.

☐ I want to give an additional tax deductible contribution to support SANE's charitable and educational work (separate check required, payable to National SANE Education Fund).

☐ \$20 ☐ \$50 ☐ \$100 ☐ \$250 ☐ \$500

☐ Other _____

Return To:



711 G Street, S.E.
Washington, D.C. 20003

IMPORTANT REMINDER

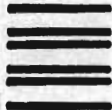
This letter comes to you at a particularly crucial time. The Reagan Administration's nuclear escalation and gunboat diplomacy are increasing the threat to peace.

During the 1984 political season, we must challenge Reagan's military madness and create a favorable political climate for peace. SANE is preparing a major new push to mobilize the peace community for the electoral process and ensure that the widespread public support for a nuclear freeze is translated into power at the polls. Your support is needed to help us succeed.

Against our efforts, the Pentagon is planning to spend \$2 trillion of our tax dollars over the next 5 years. That's over \$1 billion a day! SANE is asking you to spend 10¢ or 50¢ a year for peace. That's just 6¢ or 14¢ a day. That's all it takes to become a member of SANE.

We urge you to respond right now, while this reminder is in front of you.

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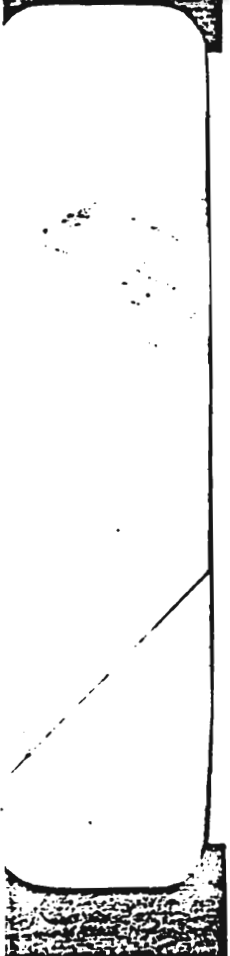
POSTAGE WILL BE PAID BY ADDRESSEE

National
SALE

711 G Street, S.E.
Washington, D.C. 20003

It's time for you to speak out about the nuclear arms race.

**National Opinion Poll enclosed.
Return within 10 days.**



FOR
THE COMMITTEE FOR A
SANE NUCLEAR POLICY
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WASHINGTON, D.C. 20003

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H. RICHARD MAYBERRY, JR.
NINTH FLOOR
1667 K STREET, N.W.
WASHINGTON, D.C. 20006

(202) 822-9622

RECEIVED
THE FEC
CLERK
84 NOV 9 P5:02

November 9, 1984

BY HAND

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

Re: Matter Under Review 1804

Dear Chairman Elliott:

Pursuant to 2 U.S.C. § 437g(a)(1), SANE, Inc. ^{1/} and David Cortright, SANE's Executive Director ^{2/} submit this response in the above-referenced matter. For the reasons discussed below, this compliance action should be dismissed.

FACTS

SANE, Inc. (hereinafter referred to as "SANE") is one of this nation's premier peace organizations. Its goal is "to develop, through citizen action, public support for [government] policies that will lead humankind away from war and towards world peace and general and complete disarmament." SANE, Inc. Bylaws, as amended December 10, 1983.

-
- 1/ Also known as the "Committee for a Sane Nuclear Policy."
- 2/ Mr. Cortright is a respondent to this MUR in his official capacity. However, he is not named in the underlying complaint. This response is submitted without waiving his right to assert that he is not a proper party to this matter in any subsequent proceedings.

SANE was founded in 1958, and is a nonprofit, incorporated membership organization with approximately 100,000 individual members. Pursuant to 2 U.S.C. § 441b(b)(2)(C), SANE sponsors a connected, separate segregated political fund, SANE PAC. ^{3/}

During the time periods January 9 through January 31, 1984 and May 9 through June 6, 1984, SANE solicited new members by mailing the package attached hereto as Exhibit # 1 which is the subject matter in this compliance action. In the same communication, membership dues and contributions ^{4/} were requested for SANE. See Exhibit # 1, Dues and Contribution Remittance Form.

On October 5, 1984, the National Conservative Political Action Committee ("NCPAC") filed a complaint with the Federal Election Commission. NCPAC alleges that SANE violated 2 U.S.C. § 441d in the distribution of the referenced membership solicitation package. Section 441d generally requires that communications to the public which expressly advocate the election or defeat of a clearly identifiable candidate or which solicit Campaign Act contributions contain certain disclaimers.

^{3/} SANE PAC's activities are not at issue in this action, nor are those of the National SANE Educational Fund, Inc., a tax exempt Section 501(c)(3) affiliate of SANE.

^{4/} These are not "contributions" contemplated by the Campaign Act, as defined in 2 U.S.C. § 431(8). Campaign Act contributions were not solicited for SANE PAC in this membership solicitation letter.

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THE SANE LETTER IS ISSUE ADVOCACY
NOT SUBJECT TO THE STRICTURES
OF THE CAMPAIGN ACT

The preparation and distribution of the SANE membership solicitation letter does not in any manner violate any provision of the Campaign Act -- nor subject the communication to the jurisdiction of the Commission. The letter is critical of the arms control policies of President Reagan, and the NCPAC complaint appears to be an attempt to stifle such criticism through use of the complaint procedures of 2 U.S.C. § 437(g) ^{5/}

The courts have universally held that issue advocacy is not regulated under the Campaign Act. See Buckley v. Valeo, 424 U.S. 1, 42-44, 78-80 (1976); Buckley v. Valeo, 519 F.2d 821, 869-878 (D.C. Cir. 1975); United States v. National Committee for Impeachment, 469 F.2d 1135 (2nd Cir. 1972); American Civil Liberties Union v. Jennings, 366 F. Supp. 1041, 1054-1057 (D.D.C. 1973), vacated as moot sub nom., Staats v. ACLU, 422 U.S. 1030 (1975). Moreover, the express candidate advocacy standard of 2 U.S.C. § 441d requires the use of term "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject" or other such words in a communication in order to be invoked. Cf. 424 U.S. at 44, fn.52, Federal

^{5/} It is our understanding that at the same time this complaint was filed against SANE, NCPAC filed numerous similar complaints against other issue-oriented organizations with views differing from NCPAC.

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Election Commission v. Massachusetts Citizens for Life, Inc., 2 Fed. Elec. Camp. Fin. Guide (CCH) ¶ 9211 (D. Mass. 1984); Federal Election Commission v. Furgatch, No. 83-0596-GT(M) (S.D. Cal. November 21, 1983) (motion to dismiss granted); Federal Election Commission v. American Federation of County and Municipal Employees, 471 F. Supp. 315 (D.D.C. 1979); and Federal Election Commission v. Citizens of Long Island Tax Reform Immediately, 616 F.2d 45 (2nd Cir. 1980). The SANE communication constitutes issue advocacy in the purest sense. There are no express advocacy terms employed within it.

The manifest objective of the SANE letter is to acquire new members, not to influence an election. The letter does not contain any express, or implied, candidate advocacy, and does not solicit contributions to SANE PAC. The reader of the communication is called to act on the peace issues presented by (1) writing members of Congress or the President on arms control, (2) discussing arms control with friends, (3) joining SANE, or (4) expressing the readers' views by completing a national opinion poll on the arms race. Exhibit 1 at 5, 6. All of these activities represent issue advocacy. They do not trigger the registration requirements, reporting provisions or contribution restrictions of the Campaign Act.

SANE references in the membership solicitation letter its organizational activities which include public education, lobbying and political action. In the reminder notice enclosed

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Lee Ann Elliott, Chairman
November 9, 1984
Page 5

with the letter, SANE states its intention to engage in electoral activities. However, this description of SANE programming does not constitute express candidate advocacy or otherwise bring the communication under the Commission's jurisdiction. It simply states a fact that the organization engages in political action to help further its objectives which promotes the purpose of this letter -- to attract new SANE members. New members are, of course, the lifeblood of any organization and potential members need to be apprised of various organizational activities. Accordingly, the SANE letter does not come within the regulation of the Campaign Act. See MUR 1372, In the Matter of the Planned Federation of America, Inc. (1981). See also MUR 1723, In the Matter of Common Cause (1984).

The NCPAC complaint is without merit, and we respectfully request that it be promptly dismissed.

Sincerely,


H. Richard Mayberry, Jr.

Of Counsel:
Thomas R. Asher, Esq.

HRM:mhm
Encls.

National Opinion Poll

1. Do you agree or disagree that the United States should produce neutron warheads? ☐ Agree ☐ Disagree
2. Do you agree or disagree that the United States should proceed with the MX missile program? ☐ Agree ☐ Disagree
3. Are you more or less secure because of the U.S. nuclear arms stockpile? ☐ More secure ☐ Less secure
4. Do you agree or disagree that more tax dollars should be spent on human services rather than on the military? ☐ Agree ☐ Disagree

If you agree with SANE's goals, please enclose a membership contribution and support our program to reverse the momentum of the escalating arms race.

Return To

711 G Street, S.E.
Washington, D.C. 20003

To join SANE, please fill out below:

- ☐ I support SANE's programs and want to become a member. I am enclosing \$20 for my annual dues (\$10 for students, GI's and fixed incomes). Please keep me informed of activities and developments in nuclear arms issues with your monthly newsletter, *Sane World*.
- ☐ I am already a SANE member. Enclosed is an extra contribution.
- ☐ I want to give an additional tax deductible contribution to support SANE's charitable and educational work (separate check required, payable to National SANE Education Fund).

☐ \$20 ☐ \$50 ☐ \$100 ☐ \$250 ☐ \$500

☐ Other _____

IMPORTANT REMINDER

This letter comes to you at a particularly crucial time. The Reagan Administration's nuclear escalation and gunboat diplomacy are increasing the threat to peace.

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We urge you to respond right now, while this reminder is in front of you.



A CITIZENS' ORGANIZATION FOR A SANE WORLD

Exhibit # 1

Dear Friend:

It's time for you to speak out--you, your family and your friends.

The Reagan Administration's constantly escalating military arsenal is something which we, the people of this nation, can no longer accept. It threatens our economy, our environment, our well-being and our lives.

We therefore urge you to join a concerted nationwide effort to reverse the momentum of the sweeping nuclear arms plan that brings us closer and closer to international disaster. In the next few minutes, you will read about three important steps you can take to thwart the arms race. You will also learn about SANE, the citizens' organization dedicated solely to preventing war and putting an end to the insane buildup of arms by both the United States and the Soviet Union.

President Reagan is unsatisfied with such instruments of overkill as the Trident, the highly accurate cruise missile, and the proposed nuclear white elephant known as the MX missile. Now he has decided to put into production neutron warheads, the high radiation weapons designed to kill people while inflicting limited damage on property.

History has taught us, if it has taught us anything, that men seldom create armaments that are not eventually put to use.

And logic has taught us that when our government has earmarked trillions of dollars for the military--in fact has put forth a budget for the next five years that is much greater than the budget for the Vietnam War during the five year peak of buildup there--that someone is going to have to pay for it.

You are that someone.

In fact, you are already paying for it.

Almost all our government's human and public services have been pared to the bone. The Reagan Administration says we can afford neutron warheads and an MX missile that will cost one hundred billion dollars during the life of the system. But they also say we must cut funds to provide health care for the needy, and aid for dependent children, and job training for the unemployed. And for the first time in its history,

(over, please)

BOARD OF DIRECTORS

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- Amy Swerdlow
- Edith Tiger
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- Kosta Tsipis
- Samuel Tucker
- John E. Ullman
- Hon. Nancy Walker
- Hon. Ted Weiss
- Marcy Wenzler

• Executive Committee

Executive Director:
David Cortright

even our social security program is being assailed.

A strong national defense is legitimate. An endless arms race is not. It borders on insanity and self-destruction to add to our massive stockpile of weapons:

- when we already have nearly 30,000 nuclear warheads compared to 20,000 for the Soviets;
- when we already have the means to destroy every Soviet city more than 50 times over;
- when, despite right-wing claims to the contrary, the facts show that we are #1 in military strength.

Yet, the Reagan Administration is determined to put one and one half trillion dollars into new armaments by 1985 "to defend the American way of life". Surely, by so doing, they are doing more to destroy our way of life than any external enemy could. Examine these facts:

- Arms spending is the largest form of government expenditure (excluding social security) and is the chief cause of high personal income taxes.
- Arms production pours dollars into the economy without adding a comparable volume of useable goods--a classic formula for inflation.
- Labor Department figures show that military spending creates fewer jobs per dollar spent than almost any other form of investment.
- Military spending diverts capital and skilled labor from civilian industries and saps our ability to compete in the international marketplace. As arms spending increases, our traditional economic strength fades, and we fall further behind our foreign competitors.

Why then are we escalating the arms race? Where is the real push coming from? It's coming from the same sources the profits and the power are going to--the arms industry.

In Reagan's "Alice in Wonderland" world, military policy is not based on a need to counter a real threat. It is based, to a large degree, on the needs of giant defense contractors who meet, often behind closed doors, with Pentagon officials to decide the future course of events.

These defense contractors and Pentagon officials know each other--and their mutual needs--well. In fact, a "revolving door" policy from government to corporate ranks and back again is common practice. Prior to becoming Secretary of Defense, for example, Caspar Weinberger was Vice-President and General Counsel of the Bechtel Group, Inc. Recently appointed Secretary of State George Shultz also came directly from Bechtel, where he served as President. And now the Bechtel Group has been awarded a \$19.3 million contract for development of the MX missile! This is far from an isolated case.

In the last ten years over 1900 individuals have moved between the Pentagon and NASA and their eight largest corporate contractors.

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Corporations such as McDonnell Douglas, Lockheed and General Dynamics spend millions of dollars to serve their cause--through lobbying, political action committees and membership in organizations like the powerful American Security Council.

The five largest contractors spend approximately \$9 million a year for their Washington-based "government relations" offices. Boeing alone has 15 registered lobbyists. Over 90 per cent of the costs of these operations are charged to the Pentagon and ultimately are paid for by taxpayers--you and me. *

These same interests have set in motion a well-financed propaganda campaign to convince us that the Russians are ahead and that we have no choice but to follow the "cold warriors" down whatever road they take us on. On the basis of these self-serving cries of weakness, we have embarked on a military escalation unprecedented in our history, both in terms of its financial burden and its lethal potential.

It's time the American people were made aware that we can never be truly secure as long as we continue to pour our nation's energies and money into escalating our arms arsenal. It's time we woke up to the fact that for every move we make, the Russians will make a countermove.

Case in point: When former President Carter announced his decision to defer production of neutron warheads, the Soviet Union also deferred its production. Now that we have begun their manufacture, the Soviets are ready to "respond to the challenge". In the same way, they will respond to all our challenges.

Until only the dubious advantage of "first strike" is left.

What then?

It's a scenario too many Americans refuse to consider. The prospect is too frightening.

Since the accident at the Three Mile Island nuclear facility, there has been a great deal of public discussion about nuclear technology--specifically, the dangers posed by unsafe nuclear power plants and lethal nuclear wastes. But what happened at Three Mile Island is miniscule compared to the dangers of our ever-mounting nuclear arsenal. The catastrophic dimensions of even a so-called "limited" nuclear war are almost beyond comprehension.

According to military authorities, nuclear war can bring with it anywhere from 80 million to 150 million American deaths. Those are figures the military is willing to live with.

Are you?

We urge you not to bury your head in the sand and pretend that the arms buildup between the United States and the Soviet Union isn't the greatest threat to the future of this planet. There has to be another way. We urge you to get to know the facts about this issue and to act as your conscience dictates.

*Source: Gordon Adams, The Iron Triangle, Council on Economic Priorities, 1981.

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You have an avenue of redress. It is SANE.

For over 20 years, SANE has been fighting for that "other way"--one that will lead to the enrichment of human life, not its extinction.

Right now, SANE is engaged in a new nationwide campaign to raise public awareness of the grave perils posed by President Reagan's arms policies...of the fact that we can cut arms spending without harming national security... and of the need to bring pressure on decision makers to change our current direction.

SANE has fought and continues to fight more urgently than ever on many fronts.

SANE was the first group to fight the costly, senseless MX missile, and has emerged as the leader in that fight. The MX will deplete the U.S. Treasury of tens of billions of dollars (enough to pay for all the employment, social security and housing programs cut in the 1982 budget) while adding as many as 1,000 hydrogen bomb warheads to our already terrifying stockpile.

SANE has embarked on a nationwide campaign against the neutron bomb.

SANE was instrumental in the late 1960's and early 1970's in defeating the ABM (Anti-Ballistic Missile). And we are in the fight once again today to prevent military planners from reviving the ABM.

SANE played a big role in the Vietnam peace movement and eventually helped the U.S. get out of Vietnam.

As far back as 1963, SANE was credited in helping with the passage of the Limited Test Ban Treaty. Thanks to that treaty, we do not live in fear today of atmospheric fallout.

We lobby. We publish research information about the arms buildup. We have a national radio network on more than 150 stations. We distribute materials to schools, religious groups, civic groups and others. We organize political actions against the arms buildup. We organize groups in communities across the country. We gather and disseminate information about arms control to important decision makers in our nation's capital. We activate a network of thousands when there is a need for citizens to make their voices heard. We provide the media with data to counter Pentagon propaganda. We have established strong alliances with labor unions, environmental groups and religious organizations.

We don't just hope for peace. We work for it.

And we need your help to continue that work.

You have a choice. You can give in to the Reagan Administration, the New Right and the military-industrial complex, and say that they are too strong to fight. Or you can take that all-important first step in challenging their power. What happens to you and your children and their children will be determined by what you decide.

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In some small way, through your support of SANE, you could shape history. What will the historians say when they write about us? Will they say that the United States was first in military power--but eighteenth in doctor-patient ratio... fifteenth in infant mortality...ninth in life expectancy? All these statistics are true today.

Or will they be able to say that despite overwhelming efforts by well-heeled multi-national corporations and a powerful military, the people of the United States were able to bring about changes--and that the United States converted a military economy into a productive civilian one, providing better education and transportation, helping people train for better jobs and developing new energy sources.

It's not such a farfetched concept. And whether or not these things come to pass depends a great deal on what you and I do today to work for them.

We CAN be a strong, independent nation without an insane buildup of arms. We CAN have arms control agreements and international disarmament measures without threatening our security. With modern communications development, such agreements can be almost flawlessly monitored.

I mentioned at the beginning of this letter that there are three things you can do to thwart the arms race. Here they are:

First: Make your opinions heard on this matter. Write to the President and to your representatives in Congress. Tell them you are opposed to the MX mobile missile, the ABM and the neutron bomb. Tell them you want to see your tax dollars go toward improving the quality of life in this country, not toward fattening the bloated coffers of arms manufacturers.

Second: Alert your friends and associates to this issue. And tell them to discuss it with their friends. We need to create a groundswell of public opinion about the escalating arms race. If you need more information about the issue, SANE will be pleased to send it to you. Your spark of energy can ignite a chain reaction that can help change our nation's priorities.

Third: Join SANE. We're fighting for you. We need your support.

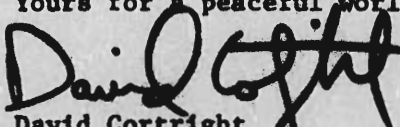
Our political heritage holds that it is the function of government to protect the rights and security of its people. In the words of Douglas Fraser, president of the United Auto Workers, "No matter how big our armed forces, no matter how many bombs or missiles we have, our country cannot be...totally secure unless we eliminate poverty and bigotry, and establish social, political and economic justice for all people."

(over, please)

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That is the true national security. Join us in working for it.

Yours for a peaceful world,


David Cortright
Executive Director

P.S. There is a fourth thing you can do. You can express your views on the enclosed National Opinion Poll. And your opinions on the arms race matter will reach the men and women in our government who might help bring about desperately needed changes in our arms policies.

Recycling saves trees. This is 100% recycled paper.

Please forgive us if you have received duplicate appeals. In the process of reaching out to new sponsors, we utilize many different mailing lists. Often a name may appear on more than one list, and when that happens, you will receive more than one letter. Whenever possible, we utilize a computer to eliminate multiple names, but not all lists are in a form which can be unduplicated in this manner. In the interest of conservation, why not pass duplicates along to someone who might be interested in our work?

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84040493520

LAW OFFICE OF
H. RICHARD MAYBERRY, JR.
NINTH FLOOR
1667 K STREET, N.W.
WASHINGTON, D.C. 20006

TO:

Lee Ann Elliott, Chairman
Federal Election Commission
1325 K St., N.W.
Wash., D.C. 20463



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 2, 1984

H. Richard Mayberry, Jr., Esquire
Ninth Floor
1667 K Street, N.W.
Washington, D.C. 20006

RE: MUR 1804

Dear Mr. Mayberry:

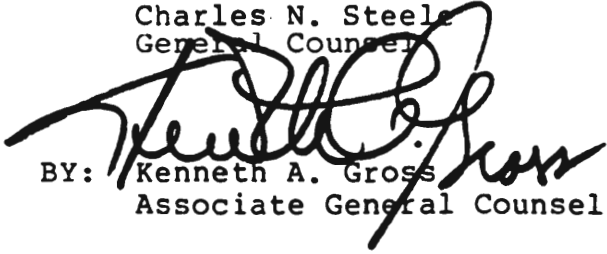
We are in receipt of your letter of October 25, 1984, requesting a 30-day extension of time during which to submit your response on behalf of your client, SANE, Inc., in the above-referenced matter.

We have considered your request for an extension and have decided to grant you an extension until November 9, 1984.

Please feel free to contact Stephen Levin at 523-4143, the staff member assigned to this matter, should any additional questions arise.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

34040493521

GCC#5312

LAW OFFICE OF
H. RICHARD MAYBERRY, JR.
NINTH FLOOR
1887 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 822-9622

October 25, 1984

VIA MESSENGER

Stephen H. Levin, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1804

Dear Mr. Levin:

We respectfully request a 30-day enlargement of the period during which the respondents may submit their written response in the above-referenced matter.

The additional time is needed to be able to familiarize ourselves with the facts, to advise our client and to research the allegations of the complaint. Moreover, the assistance of Duane Shank, Assistant to the Director of SANE, is necessary to the preparation of our response. Mr. Shank's wife is in the hospital undergoing an operation, and he is currently unavailable.

Thank you in advance for your anticipated cooperation.

Sincerely,

H Richard Mayberry Jr
H. Richard Mayberry, Jr.

HRM:cds

*Extension until 11/9/84 to submit response
letter sent 10/26 confirming telegram of 10/26 re: extension*

84040493522



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cx*
DATE: October 15, 1984
SUBJECT: MUR 1804 - Memorandum to The Commission

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 [X]

DISTRIBUTION

Compliance [X]

Audit Matters []

Litigation []

Closed MUR Letters []

Status Sheets []

Advisory Opinions []

Other (see distribution below) []

INFORMATION - SENSITIVE

EXPEDITED COMPLAINT -

CIRCULATE ON PINK PAPER



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMUNICATIONS SECRETARY

84 OCT 15 P 4: 18

October 15, 1984

MEMORANDUM TO: The Commission
FROM: Charles N. Steele
General Counsel
By: Kenneth A. Gross
Associate General Counsel
SUBJECT: MUR 1804

SENSITIVE

KAG

On October 5, 1984, the National Conservative Political Action Committee (hereinafter "NCPAC") filed a complaint against the Committee for a Sane Nuclear Policy ("SANE"), the respondent, alleging that SANE violated 2 U.S.C. § 441d by "making expenditures for the purpose of financing communications which expressly advocate the defeat of Ronald Reagan." NCPAC further alleges that the SANE violated 11 C.F.R. § 100.8(b)(4), § 104.6, § 114.3(a)(1) and § 114.3(c) in the course of its direct mailings both to the organization's members and to the general public.

Recommendations will be forwarded at the close of the 15 day response period or upon receipt of the responses.

34040493524



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 12, 1984

SPECIAL DELIVERY
RETURN RECEIPT REQUESTED

David Cartwright
Executive Director
The Committee for a
Sane Nuclear Policy
711 G Street, S.E.
Washington, D.C. 20003

RE: MUR 1804

Dear Mr. Cartwright:

This letter is to notify you that on October 5, 1984, the Federal Election Commission received a complaint which alleges that you and the Committee for a Sane Nuclear Policy 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 1804. 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 and the Committee for a Sane Nuclear Policy in connection with this matter. You may respond to the allegations made against you within 15 days of receipt of this letter. The complaint may be dismissed by the Commission prior to receipt of the response if the alleged violations are not under the jurisdiction of the Commission or if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you and the Committee for a Sane Nuclear Policy will be notified by mailgram. If no response is filed within the 15 day statutory requirement, the Commission may take further action based on available information.

You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response to this notification, we have enclosed a pre-addressed, postage paid, special delivery envelope.

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.

34040493525

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

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

If you have any questions, please contact Matthew Gerson, the staff person assigned to this matter at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

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

Enclosures
Complaint
Procedures
Envelope

84040493526



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John T. Dolan
National 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 October 5, 1984, against David Cartwright and The Committee for a Sane Nuclear Policy which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent(s) will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this Office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this matter shall remain confidential in accordance with 2 U.S.C. § 437g(a)(B) and § 437g(a)(12)(A) unless the respondent notifies the Commission in writing that they wish the matter to be made public.

Sincerely,

Charles N. Steele
General Counsel

Kenneth A. Gross (JLZ)
By: Kenneth A. Gross
Associate General Counsel

Enclosure

84040493527

*National Conservative
Political Action Committee*

*1001 Prince Street
Alexandria, Virginia 22314*

*John T. Dolan
National Chairman*

September 28, 1984

RECEIVED AT THE FEC

CCT#5007

84 OCT 5 AM: 28

(203) 684-1800

MUR
1804

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

Dear Sir:

This letter constitutes a complaint filed pursuant to 2 U.S.C. 437g by the National Conservative Political Action Committee ("NCPAC"), a registered independent political action committee, against SANE, The Committee for a Sane Nuclear Policy ("SANE"), which has apparently violated the provisions of 2 U.S.C. 441d in making expenditures for the purpose of financing communications which expressly advocate the defeat of Ronald Reagan.

Attached hereto and made a part of this complaint is a copy of a direct mailing produced by SANE which violates 2 U.S.C. 441d. The name and address of the recipient of the mailings have been excised; no other alterations to the mailings have been made.

NCPAC has reason to believe that this communication was mailed to the general public.

The records of the Commission reflect that SANE, Inc. is the connected organization of SANE PAC. The forwarding envelope lists "SANE, The Committee for a Sane Nuclear Policy" as the sender. The reply device is addressed to "National SANE." Our discussions with the disclosure officer of the Baltimore District of the Internal Revenue Service indicate that National SANE Education Fund, referred to on the reply device, is a qualified organization. The Baltimore District has no record of an organization under the name "SANE," "SANE, Inc.," "National SANE" or "Committee for a Sane Nuclear Policy."

It appears from the above that the enclosed solicitation is an unauthorized solicitation by an organization

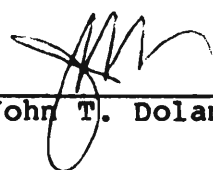
Federal Election Commission
September 28, 1984
Page Two

other than SANE PAC. NCPAC requests that the Commission investigate this matter and impose such penalties as it may deem appropriate.

NCPAC notes that by AO 1984-14, the Commission ruled that a membership organization which compiled voter guides may not distribute such material to the general public if they imply a right or wrong answer or a weak record. In that same advisory opinion it was noted that favoring one candidate over the other in the context of an election indicates an election-influencing purpose.

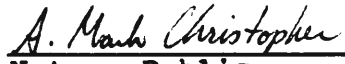
Very truly yours,

NATIONAL CONSERVATIVE POLITICAL
ACTION COMMITTEE

By: 
John T. Dolan, Chairman

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

Sworn to before me this 1st day of ^{October}~~September~~, 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.


Notary Public

My Commission Expires: 11/21/86

3404049329

sane

A CITIZENS' ORGANIZATION FOR A SANE WORLD

Dear Friend,

It is time for you to speak out—you, your family, and your friends.

We therefore urge you to join a concerted nationwide effort to reverse the course of the arms race. In the next 30 minutes, you will read about three important steps you can take to break the arms race. You will also learn about SANE, the citizens' organization dedicated solely to preventing war and promoting peace.

History has taught us, if it has taught us anything, that men seldom create armaments that are not eventually put to use.

And logic has taught us that the

Almost all our government's human and public services have been pared to the bone. The

And for the first time in its history,

(over, please)

BOARD OF DIRECTORS

Co-Chairs:
Seymour Meltman
William Winsinger

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David Bates
Russ Bellant
Eula Bingham
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John E. Ullman
Hon. Nancy Walker
Hon. Ted Weiss
Marcy Wenzler

Executive Committee
David Conright

[REDACTED]

[REDACTED] strong national defense is legitimate.
[REDACTED]

- when we already have nearly 30,000 nuclear warheads compared to 20,000 for the Soviets,

- when we already have the means to destroy every Soviet city more than 50 times over,

[REDACTED]

[REDACTED]

Arms spending is the largest form of government expenditure (excluding social security) and is the chief [REDACTED]

Arms production pours dollars into the economy without adding a comparable volume of useable goods [REDACTED]

Labor Department figures show that military spending [REDACTED] per dollar spent than almost any other form of investment.

Military spending [REDACTED]

As arms spending increases, our traditional economic strength fades, and [REDACTED]

Why then are we escalating the arms race? Where is the real push coming from? It's coming from the same sources: the profits and the power are going to the arms industry.

[REDACTED] Pentagon

[REDACTED] their
[REDACTED] Prior to becoming Secretary of Defense, for example, Caspar Weinberger was Vice-President and General Counsel of the Bechtel Group, Inc. Recently appointed Secretary of State George Shultz also came directly from Bechtel, where he served as President. And now the Bechtel Group has been awarded a \$19.3 million contract for development of the MX missile [REDACTED]

In the last ten years over 1900 individuals have moved between the Pentagon and NASA and their eight largest corporate contractors.

spend
[REDACTED]

The five largest contractors spend approximately \$9 million a year for their Washington-based "government relations" offices. Boeing alone has 100 lobbyists. Over 50 per cent of the costs for these "relations" are charged to the Pentagon and ultimately are paid for by taxpayers -- you and me.

[REDACTED]

But the American people were made aware that we were not going to continue to pour our nation's energies and money into building our arms arsenal. When we woke up to the challenge they were making, the Russians will make a countermove.

Case in point: When former President Carter announced his decision to defer production of neutron warheads, the Soviet Union also deferred its production. Now that we have begun their manufacture, the Soviets are ready to "respond to the challenge". In the same way, they will respond to all our challenges.

It's a scenario too many Americans refuse to consider. The prospect is too frightening.

Since the beginning of the Third World nuclear arms race, there has been a steady increase in the number of nuclear weapons. In 1975, there were 20,000 nuclear weapons in the world. By 1985, there will be 30,000. And by 1995, there will be 40,000. This is a frightening prospect for our burgeoning nuclear arsenal.

According to military authorities, nuclear war can bring with it anywhere from 80 million to 150 million American deaths. Those are figures the military is willing to live with.

Are you?
We urge you not to bury your head in the sand and pretend that the arms buildup between the United States and the Soviet Union isn't the greatest threat to the future of this planet. There has to be another way. We urge you to get to know the facts about this issue and to act as your conscience dictates.

*Source: Gordon Adams, The Iron Triangle, Council on Economic Priorities, 1981

(over, please)

corporation, such as McDonnell Douglas, Lockheed and General Dynamics spend

11.

The five largest contractors spend approximately \$9 million a year for their Washington-based "government relations" offices. Boeing alone has 15 registered lobbyists. Over 90 per cent of the costs of these operations are charged to the Pentagon and ultimately are paid for by taxpayers--you and me.

These same

On the basis of these self-serving cries of weakness, we have been told that in terms of its military potential

It's time the American people were made aware that we can never be truly secure as long as we continue to pour our nation's energy and money into expanding our arms arsenal. Every time we woke up to the fact that every move we make, the Russians will make a countermove.

Case in point: When former President Carter announced his decision to defer production of neutron warheads, the Soviet Union also deferred its production. Now that we have begun their manufacture, the Soviets are ready to "respond to the challenge". In the same way, they will respond to all our challenges.

What then?

It's a scenario too many Americans refuse to consider. The prospect is too frightening.

Since the accident at the Three Mile Island nuclear power plant, there has been a great deal of public attention about nuclear technology. The danger posed by nuclear power plants and nuclear warheads is real. But what happened at Three Mile Island is minuscule compared to the danger of our ever-mounting nuclear arsenal.

According to military authorities, nuclear war can bring with it anywhere from 80 million to 150 million American deaths. Those are figures the military is willing to live with.

Are you?

We urge you not to bury your head in the sand and pretend that the arms buildup between the United States and the Soviet Union isn't the greatest threat to the future of this planet. There has to be another way. We urge you to get to know the facts about this issue and to act as your conscience dictates.

*Source: Gordon Adams, The Iron Triangle, Council on Economic Priorities, 1981

(over, please)

You have an avenue of redress. It is SANE.

Right now, SANE is engaged in a new nationwide campaign to raise public awareness of the fact that we can cut arms spending without harming national security, and of the need to bring pressure on decision makers to change our current direction.

SANE has fought and continues to fight more urgently than ever on many fronts.

It has emerged in the recent past that the MX will deplete the U.S. Treasury of tens of billions of dollars (enough to pay for all the employment, social security and housing programs cut in the 1982 budget) while adding as many as 1,000 hydrogen bomb warheads to our already terrifying stockpile.

SANE has embarked on a nationwide campaign against the neutron bomb.

SANE was instrumental in the late 1960's and early 1970's in defeating the ABM (Anti-Ballistic Missile). And we are in the fight once again today to prevent military planners from reviving the ABM.

SANE played a big role in the Vietnam peace movement and eventually helped the U.S. get out of Vietnam.

As far back as 1963, SANE was credited in helping with the passage of the Limited Test Ban Treaty. Thanks to that treaty, we do not live in fear today of atmospheric fallout.

We lobby. We publish research information about the arms buildup. We have a national radio network on more than 100 stations. We make materials available to churches, religious groups, civic groups and others. We organize political actions against the arms buildup. We organize groups in communities across the country. We gather and disseminate information about arms control to important decision makers in our nation's capital. We activate a network of thousands when there is a need for citizens to make their voices heard. We have established strong alliances with labor unions, environmental groups and religious organizations.

We don't just hope for peace. We work for it.

And we need your help to continue that work.

You have a choice.

You can take that all-important first step in challenging their power. What happens to you and your children and their children will be determined by what you decide.

In some small way, through your support of SANE, you could shape history. What will the historians say when they write about us? Will they say that the United States was first in military power...but eighteenth in doctor-patient ratio...fifteenth in infant mortality...ninth in life expectancy? All these statistics are true today.

Or will they be able to say that despite overwhelming efforts by well-heeled multi-national corporations and a powerful military, the people of the United States were able to bring about changes—and that the United States converted a military economy into a productive civilian one, providing better education and transportation, helping people train for better jobs and developing new energy sources?

It's not such a farfetched concept. And whether or not these things come to pass depends a great deal on what you and I do today to work for them.

We CAN have arms control agreements and international disarmament measures without threatening our security. With modern communications and development, such agreements can be almost flawlessly monitored.

I mentioned at the beginning of this letter that there are three things you can do to thwart the arms race. Here they are:

First: Make your opinions heard on this matter. Write to the President and to your representatives in Congress. Tell them you are opposed to the MX mobile missile, the ABM and the neutron bombs.

Second: Alert your friends and associates to this issue. And ask them to discuss it with their friends. We need to create a groundswell of public opinion about the escalating arms race. If you can give information about the issue, SANE will be glad to send it to you. Your word of energy can ignite a chain reaction that can help change our nation's priorities.

Third: Join SANE. We're fighting for you! We need your support.

Our political heritage holds that it is the function of government to protect the rights and security of its people. In the words of Douglas Fraser, president of the United Auto Workers, "No matter how big our armed forces, no matter how many bombs or missiles we have, our country cannot be

(over, please)

~~That is the true national security.~~ Join us in working for it.

ours for a peaceful world.

David Cortright
David Cortright
Executive Director

P.S. There is a fourth thing you can do. You can express your views on the enclosed National Opinion Poll. And your opinions on the arms race matter will reach the men and women in our government who might help bring about desperately needed changes in our arms policies.

Recycling saves trees. This is 100% recycled paper.

Please forgive us if you have received duplicate appeals. In the process of reaching out to new sponsors, we utilize many different mailing lists. Often a name may appear on more than one list, and when that happens, you will receive more than one letter. Whenever possible, we utilize a computer to eliminate multiple names, but not all lists are in a form which can be unduplicated in this manner. In the interest of conservation, why not pass duplicates along to someone who might be interested in our work?

National Opinion Poll

1. Do you agree or disagree that the United States should produce neutron warheads?

☐ Agree
☐ Disagree

2. Do you agree or disagree that the United States should proceed with the MX missile program?

☐ Agree
☐ Disagree

3. Are you more or less secure because of the U.S. nuclear arms stockpile?

☐ More secure
☐ Less secure

4. Do you agree or disagree that more tax dollars should be spent on human services rather than on the military?

☐ Agree
☐ Disagree

To join SANE, please fill out below:

☐ I support SANE's programs and want to become a member. I am enclosing \$20 for my annual dues (\$10 for students, GI's and fixed incomes). Please keep me informed of activities and developments in nuclear arms issues with your monthly newsletter, *Sane World*.

☐ I am already a SANE member. Enclosed is an extra contribution.

☐ I want to give an additional tax deductible contribution to support SANE's charitable and educational work (separate check required, payable to National SANE Education Fund).

☐ \$20 ☐ \$50 ☐ \$100 ☐ \$250 ☐ \$500

☐ Other _____



IMPORTANT REMINDER

This letter comes to you at a particularly crucial time. The Reagan Administration's nuclear policies and missile defense are increasing the threat of nuclear war.

During the 1984 political season, we must challenge Reagan's military buildup and create a favorable political climate for peace. SANE is preparing a major new push to mobilize the peace community for the electoral process and ensure that the widespread public support for a nuclear freeze is translated into power at the polls. Your support is needed to help us succeed.

Against our efforts, the Pentagon is planning to spend \$2 trillion of our tax dollars over the next 5 years. That's over \$1 billion a day! SANE is asking you to spend \$20 or \$50 a year for peace. That's just 6¢ or 14¢ a day. That's all it takes to become a member of SANE.

We urge you to respond right now, while this reminder is in front of you.

84-1



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IN THE
UNITED STATES



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WASHINGTON, DC

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Washington, D.C. 20003

8 4 0 4 0 4 9 3 5 3 8

8 4 0 4 0 4 9 3 5 3 9

THE COMMITTEE FOR A
SANE NUCLEAR POLICY
711 G STREET, S.E.
WASHINGTON, D.C. 20003

same

NON PROFIT
ORGANIZATION
U.S. POSTAGE
PAID
WASHINGTON, D.C.
PERMIT NO. 3327

It's time for you to speak out about the nuclear arms race.

National Opinion Poll enclosed.
Return within 10 days.

8 4 0 4 0 4 9 3 5 4 0



FIRST CLASS

From:

**National Conservative
Political Action Committee**

1001 prince street, alexandria, va. 22314 (703) 684-1800

To:

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

84040493541



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1804

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

Cameraman AS



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1804

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

Cameraman JRL

85040514082

GCC#5326

LAW OFFICE OF
H. RICHARD MAYBERRY, JR.
NINTH FLOOR
1667 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 622-9822

October 26, 1984

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
34 OCT 26 5:11

VIA MESSENGER

Stephen H. Levin, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1804

Dear Mr. Levin:

Please find enclosed a Statement of Designation of Counsel
in the above-referenced matter.

Sincerely,

H. Richard Mayberry, Jr.
H. Richard Mayberry, Jr.

HRM:mhm
Encls.

85040514083

BEFORE THE FEDERAL ELECTION COMMISSION

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: H. RICHARD MAYBERRY, JR., ESQUIRE

ADDRESS: Ninth Floor
1667 K Street, N.W.
Washington, D.C. 20006

TELEPHONE: (202) 822-9622

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of David Cortright and SANE before the Commission.

Pursuant to relevant Commission rules and regulations, and the District of Columbia and American Bar Association Code of Professional Responsibility, all communications are to be directed to my counsel until such time as you are otherwise notified.

Oct 25, 1984
Date

Michael Mawby
Michael Mawby
On behalf of David Cortright and
SANE

NAME: Michael Mawby
Deputy Director
SANE

ADDRESS: 711 G Street, S.E.
Washington, D.C. 20003

BUSINESS PHONE: (202) 546-7100

25040514
LAW OFFICE OF
RICHARD MAYBERRY, JR.
NINTH FLOOR
1667 K STREET, N.W.
WASHINGTON, D.C. 20006

VIA MESSENGER

Stephen H. Levin, Esq.
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Wash., D.C. 20463

8 CC# 5312

LAW OFFICE OF
H. RICHARD MAYBERRY, JR.
NINTH FLOOR
1667 K STREET, N.W.
WASHINGTON, D.C. 20006
(202) 822-8822

October 25, 1984

VIA MESSENGER

Stephen H. Levin, Esquire
Office of General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1804

Dear Mr. Levin:

We respectfully request a 30-day enlargement of the period during which the respondents may submit their written response in the above-referenced matter.

The additional time is needed to be able to familiarize ourselves with the facts, to advise our client and to research the allegations of the complaint. Moreover, the assistance of Duane Shank, Assistant to the Director of SANE, is necessary to the preparation of our response. Mr. Shank's wife is in the hospital undergoing an operation, and he is currently unavailable.

Thank you in advance for your anticipated cooperation.

Sincerely,

H Richard Mayberry Jr
H. Richard Mayberry, Jr.

HRM:cds

850405140886



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE
PUBLIC FILE OF CLOSED MUR 1804

85040514087