



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2452^E
DATE FILMED 10/21/87 CAMERA NO. 3
CAMERAMAN AS

87040660217

PUBLIC RECORD INDEX MUR 2452E

1. Complaint, dtd 22 Apr 87, filed by Hans Schmidt (Natl. Chairman, German-American National Political Action Committee GANPAC), w/encls. (Improper Complaint)
2. Ltr, 4 May 87, George F. Rishel (Acting Associate General Counsel) to Senator Steve Symms
3. Ltr., 4 May 87, G.F. Rishel to Hans Schmidt.
4. Complaint, filed 28 May 87 by Hans Schmidt.
5. Ltr, 4 Jun 87 G.F. Rishel to Hans Schmidt.
6. Ltr, 4 Jun 87 G.F. Rishel to Richard L. Buxton, (Treas., Steve Symms for Senate Committee)
7. Ltr, 17 Jun 87, R.L. Buxton to FEC, subj: Request for extension of time.
8. Ltr, 24 Jun 87, Lois G. Lerner (Associate Gen. Counsel) to R.L. Buxton.
9. Ltr. 2 Jul 87, R.L. Buxton to FEC
10. First General Counsel's Report, 7 Aug 87
11. Memo dtd 11 Aug 87, Office of Cmsr Secretary to Office of General Counsel subj: Objection to MUR 2452.
12. Certification of Commission Action, 19 Aug 87
13. Closing Ltr, 20 Aug 87, L.M. Noble to Hans Schmidt.
14. Clsoing Ltr, 20 Aug 87, L.M. Noble to Richard L. Buxton.

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

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GANPAC

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RECEIVED AT THE FEC

000# 3205

37 APR 27 A 9: 38

707 2452

German-American National Political Action Committee
8996 Fern Park Drive, Burke, VA 22015

(703) 425-2458

Hans Schmidt
National Chairman

22 April 1987

Mailing address:

PO BOX 28058

Washington, D.C. 20058

P.O. BOX 28058

Washington, D.C. 20058

FEDERAL ELECTION COMMISSION
Legal Department
999 E Street NW
Washington D C 20463

Re: Possible misappropriation of disbursed election funds (contributions)

Gentlemen:

This is a formal complaint.

Please note on attached items from two different sources that the office of Senator Symms has forwarded monies given to his election committee by our organization to two groups that

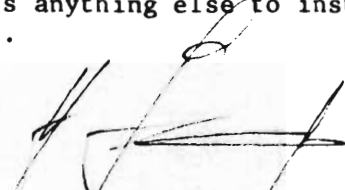
1. are religious in nature
2. did not provide services (postage, advertising, hotels space etc.) in connection with his reelection.

Whatever the stated reasons for this act, it definitely constitutes a mishandling or misappropriation of election funds when compared to prior rulings of the FEC.

We admit however, that Senator Symms' "explanation" is somewhat novel, and may require a different ruling. We understand that he was (is) under heavy pressure by elements who would like to keep German-Americans, this nation's largest minority, outside the political process. And some people stoop to any measures to gain their objectives.

We would appreciate hearing from you soon. Please let us know if there is anything else to institute legal proceedings concerning the matter.

Sincerely,



Hans Schmidt, Natl. Chairman (703) 425-2448

P.S.: Please answer to the P.O.Box address given above.

cc: Statement of 4/16/1987 news conference

Copies of news items from AP and the Twin Falls TIMES-NEWS

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RECEIVED
FEDERAL ELECTION COMMISSION
37 APR 27 A 10 59

Symms to present GAN-PAC funds to pro-Jewish groups

By JANE ROBISON
Times-News writer

4/13/87

TWIN FALLS — An anti-Semitic group is trying to prevent money it gave to Sen. Steve Symms, R-Idaho, for his re-election from winding up in the hands of pro-Jewish groups.

But Symms' office said Friday that Symms will present a \$500 check to the Idaho Holocaust Council and leader David Stern today. The Holocaust Council is working to raise money to build a Holocaust Museum in Washington, D.C.

Symms will send another \$500 check to the Defamation League of B'nai B'rith, a spokesman said.

The \$1,000 represents money given to the Symms campaign from the Ger-

man-American National Political Action Committee, GAN-PAC.

GAN-PAC is headed by Hans Schmidt, who, according to the Anti-Defamation League in New York, served in both the Hitler Youth and the Waffen SS, a Nazi military organization that operated concentration camps and was responsible for Jewish persecution during World War II.

Word of the contribution was made public in the April edition of Mother Jones magazine, which reported that the Idaho Republican was one of only three candidates who received \$1,000 each from GAN-PAC, just prior to the November election.

Schmidt, reached by The Times-News on Friday, said the money was given "without asking favors."

But when told Symms was giving the

money back, Schmidt said he considered the gesture "insulting."

"There are 71 Jewish PACS that give for Israeli interests," Schmidt said. "If they do give it back, it's ridiculous and asinine."

Schmidt said any candidate obviously can refuse PAC money, adding that several candidates last year "flatly refused to accept" GAN-PAC money.

But, Schmidt said, once a candidate did accept the money, "they should use it."

"If they didn't want it, we wouldn't have sent it," he said.

Schmidt said he would try to meet with Symms or someone on his staff to discuss the situation.

But Tom Lowery, press secretary for Symms, said on Friday that Symms was not giving the money back to GAN-PAC, but was

instead giving it to the Idaho Holocaust Council and the ADL.

Lowery also said Stan Rittenhouse, author of "For Fear of the Jews," and a friend of Schmidt's, had tried to set up a meeting with Symms, but "the senator declined to see him."

Lowery said records show the GAN-PAC contribution was processed the day before last November's election, and there was no time to check the group out.

"On the face of it, it appeared to be a mainstream group," Lowery said. "There was no hint of who was behind it."

Schmidt, who became a naturalized American citizen in 1955, did not deny he served with the Hitler Youth and the Waffen SS. But Schmidt sought to minimize his Nazi connections.

"I turned 18 in 1945, and what I did before I was 18 is immaterial to what I do in America," said Schmidt, whose home is in Santa Monica, Calif.

But since coming to America, Schmidt has been active in recognized neo-Nazi and anti-Semitic groups. He is a member of the California-based Institute for Historical Review, which claims the Holocaust never occurred.

Schmidt also is allied with the German-American Information and Education Association, which took out an ad in the Washington Post last year calling for the release of Rudolf Hess from a West Berlin prison. The 93-year-old Hess has been in prison since his 1946 conviction of war crimes during the Nuremberg trials.

• See SYMMS on Page A2

Symms

Continued from Page A1
GAN-PAC also made 1986 campaign contributions to conservative Republican James Abdnor of South Dakota, who lost his re-election bid for the Senate, and Democrat Bob Edgar, a Pennsylvania congressman who unsuccessfully ran against Republican Sen. Arlen Specter.

The Mother Jones article reported that Edgar was unaware of the Nazi connection of GAN-PAC, and Edgar would return the \$1,000.

Asked about why Symms was selected for the GAN-PAC money,

Schmidt said the Idaho Republican was chosen because of his conservative stands for farmers, his general patriotism for America, and his stands against "foreign aid giveaways."

"German-Americans are generally very conservative," Schmidt said.

When asked why the group then gave money to Edgar, a liberal Democrat, Schmidt admitted it was because Edgar's opponent, Specter, was "pro-Israel" and one of eight Jewish senators.

Schmidt, who denied the group

was neo-Nazi and anti-Semitic, also has a passing acquaintance with Aryan Nation leader Richard Butler, head of the Church of Jesus Christ Christian in North Idaho.

Schmidt said Friday he has been invited to the Aryan Nation's headquarters in Hayden Lake, but he has avoided going and getting "mixed up with religious groups."

But Butler strongly embraced Schmidt's cause.

"We support the same cause — the preservation of the white race," Butler said on Friday. "We work together for the same ideas."

Anti-Semitic cash to go to pro-Jewish groups

Associated Press

TWIN FALLS, Idaho — Idaho Republican Sen. Steve Symms planned to give a \$1,000 campaign contribution from an anti-Semitic group to two pro-Jewish organizations, including a group raising money to build a Holocaust memorial, a Symms spokesman says.

Symms' office said the senator would present a \$500 check today to the Idaho Holocaust Council, which is raising money to help build a Holocaust Museum in Washington, D.C., to depict Nazi atrocities against the Jews in World War II.

Symms will send another \$500 check to the Anti-Defamation League of B'nai B'rith, said Symms spokesman Tom Lowery.

The \$1,000 represents money given to the Symms campaign from the German-American National Political Action Committee or GAN-PAC.

The contributions were made public in the April edition of Mother Jones magazine, which reported that Symms was one of three candidates who received a GAN-PAC donation the day before the November election.

GAN-PAC also donated \$1,000 to both Republican James Abdnor of South Dakota, who lost his re-election bid for the Senate, and Democrat Bob Edgar, a Pennsylvania congressman who unsuccessfully ran against Republican Sen. Arlen Specter.

The Mother Jones article said Edgar was unaware of the GAN-PAC's Nazi affiliation and intended to return the money.

GAN-PAC is headed by Hans Schmidt, who served in both the Hitler Youth and the Waffen SS, a Nazi military organization responsible for Jewish persecution, according to the Anti-Defamation League.

Twin Falls, Idaho
"Times-News"

4-13-87

Hans Schmidt

P.O. Box 28058
Washington, D.C. 20038

S T A T E M E N T

NEWS CONFERENCE HELD AT THE PRESS CLUB,
WASHINGTON D.C. 4/16/1987

Today I would like to comment on two recent events, both of which concern the participation of Germany in World War II.

According to a news dispatch attributed to the West German news magazine DER SPIEGEL, Soviet leader Mikhail Gorbachev is now seriously considering the review of the case of former German Reich Minister Rudolf Hess, who has been incarcerated by the major World War II victors since 1941, when he flew to England in search for peace.

There is now a chance that the Russians, under their politically able and very astute leader, may win a major propaganda coup against the Western powers, and especially against the United States, if they unilaterally release Hess.

There are millions of people in Europe, especially in Germany, who consider the cruel treatment meted out to Rudolf Hess a war crime in itself. Through the simple humanitarian act of releasing this old man in the care of his family, Gorbachev could generate the good will of these people for his cause, and at the same time put the onus of the 'bad guys' on the Western allies, especially the Anglo-Saxons nations. Here I must intersperse that few Germans really believe the Western claim that the Soviets were -for all these years- the major stumbling block toward the release of Hess. Most intelligent people know that the Western powers only give lip service to their professed humanitarian concerns.

At any rate, the government of the United States ought to realize that it may be losing a major propaganda battle if the Soviets free Hess on their own, or if they act as the initiators of his freedom. Therefore it might not be a bad idea to follow Stan Rittenhouse's suggestion that President Reagan free Hess personally when he visits Berlin in a couple of months.

We know that a tiny and vehement minority in the United States would be much upset by such an act of compassion by President Reagan. But most Americans would understand, we are sure, and would support their President in this benevolent act. Besides, the President would certainly enhance his place in History if he were to do so.

NOW TO ANOTHER MATTER, this concerning GANPAC, the German American National Political Action Committee:

Our organization is the only organization being active politically on behalf of 52 million Americans of German descent. In this capacity it tries to support in the interest of German heritage political candidates during national elections. In last year's elections we contributed to the campaigns of Senator Symms of Idaho, Senator Abdnor of South Dakota, and of Bob Edgar in Pennsylvania who ran against Senator Specter. Our monies were given without any strings attached, and our choice was based on several factors. The reason we didn't support more candidates was simply because we ran out of funds.

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Last week it came to our attention that Senator Symms office allegedly forwarded the \$1,000 we gave to his campaign to some kind of "Holocaust" commission because the German American support for him was seemingly tainted by my, Hans Schmidt's, former membership in the Hitler Youth, and by my wartime service as a German soldier.

We vehemently protest against the innuendo inherent in this act. We find it the height of hypocrisy that 52 million Americans of this nation's largest ethnic minority should remain without influence in the election process because the leader of its one and only strictly political organization did his duty for Germany, when that nation fought for its existence against overwhelming onslaught.

GANPAC will obviously take appropriate steps to ascertain whether Senator Symms cannot be charged with misappropriation of election funds, and especially in regards to the forwarding of this money to a religious group.

As far as my person is concerned, I will only say that I was born in April of 1927, and that the war ended for me on April 28th, 1945, a day after my 18th birthday, when I was wounded for the second time on the Russian front, helping through my and my comrades' sacrifice that at least Western Europe remained so far free from Communist rule.

In my opinion, the only matter that concerns us now is my conduct in America since I arrived here nearly 38 years ago. It is totally immaterial what I was or did before I was eighteen. I do not regret having been a member of the Hitler Youth, and I am proud to have served as a soldier for Germany at the time when she needed me most.

Thank you.

1



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 4, 1987

The Honorable Senator Symms
Senate Office Building
Washington, DC 20510

Dear Senator Symms:

On April 27, 1987, the Federal Election Commission received a letter alleging that you violated sections of the Federal Election Campaign Act of 1971, as amended. As indicated from the copy of the enclosed letter addressed to the complainant, those allegations do not meet certain specified requirements for the proper filing of a complaint. Thus, no action will be taken on this matter unless the allegations are refiled meeting the requirements for a properly filed complaint. If the matter is refiled, you will be notified at that time.

This matter will remain confidential for 15 days to allow for the correction of the defects. If the defects are not cured and the allegations are not refiled, no additional notification will be provided and the file closed.

If you have any questions, please do not hesitate to call me at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel

A handwritten signature in dark ink, appearing to read "George F. Rishel", is written over the typed name.

By: George F. Rishel
Acting Associate General Counsel

Enclosures

Copy of Complaint
Copy of Letter to Complainant

87040660223



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 1987

Hans Schmidt, National Chairman
German-American National Political
Action Committee
PO Box 28058
Washington, DC 20058

Dear Mr. Schmidt:

We have received your letter of April 22, 1987, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time to investigate this matter.

However, if you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. § 437g(a)(1) must be filed. Requirements of this section of the law and Commission regulations at 11 C.F.R. § 111.4 which are a prerequisite to Commission action are detailed below:

- (1) A complaint must be in writing.
(2 U.S.C. § 437g(a)(1))
- (2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized.
(2 U.S.C. § 437g(a)(1))
- (3) A formal complaint must contain the full name and address of the person making the complaint.
(11 C.F.R. § 111.4)
- (4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. § 111.4)
- (5) A formal complaint should clearly identify the source of information upon which the complaint is based. (11 C.F.R. § 111.4)
- (6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a

statute or law over which the Commission has jurisdiction. (11 C.F.R. § 111.4)

- (7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint.
(11 C.F.R. § 111.4)

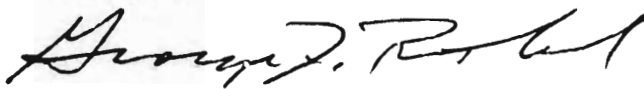
Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed is a copy of Commission regulations, and your attention is directed to 11 C.F.R. § 111.4 through § 111.10 that deal with preliminary enforcement procedures. Also, enclosed is a compilation of Federal Election Campaign laws on which these regulations are promulgated. I trust these materials will be helpful to you should you wish to file a legally sufficient complaint with the Commission. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above.

If we can be of any further assistance, please do not hesitate to contact me at (202) 376-8200.

Sincerely,

Lawrence M. Noble
Acting General Counsel


By: George F. Rishel
Acting Associate General Counsel

Enclosures
Excerpts
Procedures

cc: respondents

87040660225

GANPAC

CCC# 3468
HAND DELIVER
87 MAY 27 P2:2

Hans Schmidt, National Chairman

P.O. BOX 28058

Washington, D.C. 20058

(703)425-2448

May 19th, 1987

Mr. Lawrence M. Noble
Acting General Counsel
FEDERAL ELECTION COMMISSION
Washington D.C. 20463

87 MAY 28 P 3:00

RE: FORMAL COMPLAINT
GANPAC vs SENATOR STEVEN SYMMS

Dear Mr. Noble:

Thank you for your letter of May 4th, 1987, (received only 2 days ago!), and the pertinent information.

This is a formal complaint!

- (1) On October 20th, 1986, this Political Action Committee, the only PAC representing the approximately 52 million Americans of German descent, mailed a check for \$1,000 (one thousand) as an election contribution to the offices of

Senator Steven Symms (Idaho)
United States Senate
Washington, D.C. 20510

Shortly thereafter the contribution was acknowledged, and the check has been endorsed by the "Symms for Senator Committee".

As is known, and a matter of record, Senator Symms won his reelection, and is currently serving in the Senate of the United States.

- (2) On or about April 15th, 1987, our office received calls from irate contributors/supporters, informing us of news items concerning our contribution to Senator Symms, to wit, that our contribution somehow was (belatedly) declared "repugnant" by the Senator and/or his staff, and that, according to the news stories, Senator Symms was going to forward the \$1,000 to a Jewish organization (or Jewish organizations).
A letter to Senator Symms office asking for information regarding the matter remains unanswered to this day, and phone calls pertaining to the same subject matter brought only confirmation of the facts as stated in the attached news items, namely:

Over

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8704060220

- EXHIBIT A Article "Symms to present GAN-PAC funds to pro-Jewish groups" by Jane Robison
Twin Falls, Idaho, TIMES-NEWS 4/13/1987
- EXHIBIT B News item "Anti-Semitic cash to go to pro-Jewish groups"
ASSOCIATED PRESS, 4/13/87 or 4/14/87
- EXHIBIT C Article "Holocaust group to get senator's campaign money"
A Seattle newspaper, 4/5/87
- EXHIBIT D News item "PAC unknown to ex-lawmaker"
an ASSOCIATED PRESS REPORT
Youngstown, OH. "The Vindicator" 4/5/87

(3) According to law (FEC Act 100.8(a)(1), campaign contributions can only be used within well defined parameters, and we are certain that the support of religiously motivated museums is not one of them. We therefore believe that the channeling of our campaign contribution to him by Senator Symms or his staff to either a "Holocaust Commission" or the Jewish Anti-Defamation League is not only unethical but also illegal!

(4) A careful reading of exhibits A to D discloses some of the reasons for the Senator's action. Although it may not be necessary at this time (since they are really not germane to the issue), we nevertheless would like to present our view:

a) The charge of anti-Semitism.

In a democracy like the United States, the people express their will by either voting for or against a candidate or a party, or by abstaining from voting altogether. It seems logical that such an action (i.e. the voting) is strongly motivated by pre-conceived opinions or prejudices.

At a recent news conference, Hans Schmidt, the chairman of GANPAC, was asked why in a certain state GANPAC supported one candidate in preference to another, and he gave the answer that in GANPAC'S opinion the Jewish minority is vastly overrepresented (although only approx. 2½ percent of the U.S. population, they occupy nearly 9 percent of the Senate seats, and about the same ratio of positions in the House of Representatives), and that a more equitable distribution of Congressional representation was in the interest of this nation. This statement by Mr. Schmidt was immediately decried as being "anti-Semitic" while in reality it was nothing more but the typical American give and take of party and ethnic politics. Is every American black who wants his group better represented and points to white dominance, ipso facto anti-White?

8734060227

b) Mr. Schmidt's WORLD WAR II background.

During WW2 nearly 15 million Germans served in the armed forces of Germany, and in the years 1933-1945 approximately 10 million German boys and girls between the ages 10 and 18 were members of the Hitler Youth. Service in both Hitler Youth and WEHRMACHT (or affiliated organizations) was compulsory.

After 1945 and Germany's defeat, at least 100,000 former members of the German WW2 armed forces immigrated to the United States, and contributed greatly to the welfare and growth of this nation: Few were ever on welfare, as far as is known, none ever betrayed this nation, and unemployment or criminality amongst them is virtually unknown. Most became loyal American citizens. Judging by these facts it becomes clear that a German World War II (i.e. "Nazi") background should not and cannot be used to judge a person more than forty years after the conclusion of that war.

It must be seriously considered whether those circles using this kind of canard against innumerable citizens of German descent do not do so for ulterior motives, namely to enhance their own position and retain the overrepresentation in many fields of endeavor that by right does not accrue to them.

It is a fact that the approximately 52 million Americans of German descent are the one ethnic group that is politically least represented in the U.S. public life. While a typically German abhorrence of political activities plays a major role, it can also not be denied that the two World Wars and their continuing fallout play a major role for this dismal state of affairs. (Numerous German-Americans, among them Secretary of State George Shultz, former Colorado Governor Richard Lamm and the ex-Chief Justice of the Supreme Court Warren Burger, are of German descent but unlike major personages of other ethnic groups they never hold their positions as German-Americans or in the interest of their heritage.)

- (5) Growing political reassertion by Americans of Germans descent is the logical result of the recent "ethnic reawakening". It is also logical to expect that ANY assertion of German-American political strength will generate resistance by those groups and organizations that will undoubtedly lose some power due to this process.

However, it is un-American and contrary to the very principles upon which this nation was founded, if this nation's largest minority is being kept out of the political mainstream through machinations such as are apparent in the Senator Symms matter. While no Congressman can (and should) be forced to accept campaign contributions from any group or organization with which he doesn't want to be connected, it is nevertheless the height of hypocrisy if he or his offices not only refuse a fair hearing to the many constituents of German background but turn over their hard-earned monies to people that are diametrically opposed to Germanic ethical and moral values.

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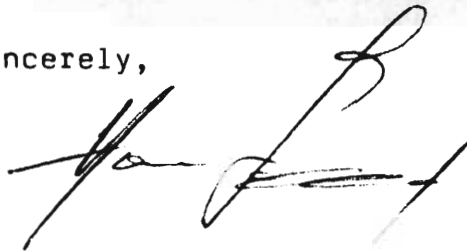
Among German-American and patriotic circles the "ADL" ("Anti-Defamation League of B'nai B'rith") has become notorious for its "Gestapo-like" tactics of snooping ("information gathering") and flagrant intimidation. The ADL is furthermore a financier, planner and disseminator of the worst kind of anti-German propaganda.

The U.S. "Holocaust" Memorial Museum Council has aims and purposes that do not coincide with the interests of the German-Americans at large.

The actions of both groups are a detriment to the ethnic peace so necessary for America's future and existence.

In the light of the above we demand that Senator Symms and/or his staff are compelled to withdraw their donation of "our" monies to these anti-German organizations, and return the \$ 1,000 to us if he doesn't want to retain it.

Sincerely,



Hans Schmidt, National Chairman, GANPAC

HS/sm

Enclosures

City/County of Fairfax
Commonwealth/State of Virginia
Subscribed and sworn before me this 27 day of May, 1987
Jana Sue Lutz
Notary Public

MY COMMISSION EXPIRES March 2, 1990

EXHIBIT A

Symms to present GAN-PAC funds to pro-Jewish groups

By JANE ROBISON
Times-News writer

4/13/87

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• See SYMMS on Page A2

Symms

• Continued from Page A1

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Symms' office said the senator would present a \$500 check today to the Idaho Holocaust Council, which is raising money to help build a Holocaust Museum in Washington, D.C., to depict Nazi atrocities against the Jews in World War II.

Symms will send another \$500 check to the Anti-Defamation League of B'nai B'rith, said Symms spokesman Tom Lowery.

The \$1,000 represents money given to the Symms campaign from the German-American National Political Action Committee or GAN-PAC.

The contributions were made public in the April edition of Mother Jones magazine, which reported that Symms was one of three candidates who received a GAN-PAC donation the day before the November election.

GAN-PAC also donated \$1,000 to both Republican James Abdnor of South Dakota, who lost his re-election bid for the Senate, and Democrat Bob Edgar, a Pennsylvania congressman who unsuccessfully ran against Republican Sen. Arlen Specter.

The Mother Jones article said Edgar was unaware of the GAN-PAC's Nazi affiliation and intended to return the money.

GAN-PAC is headed by Hans Schmidt, who served in both the Hitler Youth and the Waffen SS, a Nazi military organization responsible for Jewish persecution, according to the Anti-Defamation League.

4-13-OR 14- 1987

EXHIBIT C

SEATTLE NEWSPAPER 4/5/87

Holocaust group to get senator's campaign money

■ BOISE, Idaho

... Sen. Steve Symms, R-Idaho, says he will give a \$1,000 campaign contribution he received from a political action committee allegedly headed by a former Nazi to the Idaho Holocaust Commission.

The B'nai B'rith Anti-Defamation League Friday reported the campaign contribution from the German-American National Political Action Committee but stressed it was not accusing Symms of being anti-Semitic.

The senator said he had no knowledge of the group's alleged anti-Semitism.

Symms spokesman Tom Lowery said the senator would not return the campaign contribution but would donate it to the Idaho Holocaust Commission, to which he belongs.

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PAC unknown to ex-lawmaker

YOUNGSTOWN, OH THE VINDICATOR 4/5/87

BOISE, Idaho (AP) — Former Rep. Bob Edgar, D-Pa., said Saturday he did not know a \$1,000 donation last November to his Senate campaign came from a political action committee with a white supremacist philosophy.

The April edition of *Mother Jones*, a left-wing political magazine, reported the German-American National Political Action Committee, or GAN-PAC, donated \$1,000 each to Edgar, Sen. Steve Symms, R-Idaho, and Sen. James Abdnor, R-S.D. Abdnor lost his reelection bid to the Senate and Edgar failed to gain a Senate seat.

GAN-PAC is led by Hans Schmidt, a former member of Hitler's youth group and the Waffen SS, a Nazi military organization heavily involved in Jewish persecution in World War II.

"I didn't know anything about it," Edgar said of the donation in a telephone interview from his suburban Washington home. "In a flurry of last-minute contributions, the name of the organization seemed quite innocuous."

The former congressman said he would return the money after paying a \$130,000 campaign debt.

"I am repulsed by their views," Edgar said. "I think they're obscene. All you have to do is check my voting record. It's one of the most liberal in the nation."

KBCI-TV in Boise reported Friday the Jewish Anti-Defamation League confirmed Schmidt's involvement in the Nazi organizations and said he became a naturalized citizen of the United States in 1955. Telephones calls by KBCI to Schmidt at his address listed in Palm Springs, Calif., and to GAN-PAC in Santa Monica, Calif., went unanswered.

Schmidt also sends out a monthly GAN-PAC news letter from Virginia.

Symms said Friday he was unaware of GAN-PAC's leanings, believing they merely represented German-Americans when the donation arrived the day before the general election.

His campaign staff was occupied with the election and did not research GAN-PAC's history at the time, Symms said.

The GAN-PAC money will be donated to the Idaho Holocaust Memorial, he said.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 4, 1987

Hans Schmidt, National Chairman
German-American National PAC
PO Box 28058
Washington, DC 20058

RE: MUR 2452

Dear Mr. Schmidt:

This letter acknowledges receipt of your complaint, received on May 28, 1987, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Steve Symms For Senate Committee and Richard L. Buxton, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2452. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
Acting General Counsel

George F. Rishel
By: George F. Rishel
Acting Associate General Counsel

Enclosures
Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1987

Richard L. Buxton, Treasurer
Steve Symms For Senate Committee
PO Box 471
Boise, ID 83701

RE: MUR 2452
Steve Symms For Senate
Committee
Richard L. Buxton,
Treasurer

Dear Mr. Buxton:

The Federal Election Commission received a complaint which alleges that the Steve Symms For Senate Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2452. 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 Steve Symms For Senate Committee in this matter. 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. Your response, which should be addressed to the General Counsel's Office, 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.

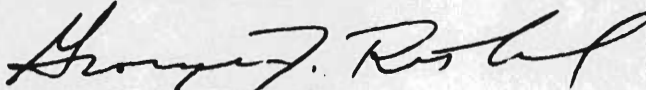
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Sandra Dunham, the staff person assigned to this matter, at (202) 376-8200. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
Acting General Counsel



By: George F. Rishel
Acting Associate General Counsel

Enclosures

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

cc: The Honorable Steven Symms

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Box 471 • Boise, Idaho 83701 • 208-344-1778

June 17, 1987

RECEIVED AT THE FEC
CCC# 3653

87 JUN 22 A/I: 06

87 JUN 22 P 3: 28

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2452

Dear Mr. Rishel:

This responds to your June 4 letter which was received on June 8, 1987.

The Committee intends to formally respond to the complaint.

However, at this time the Committee is seeking counsel and requests an extension of the 15 day response time to no later than July 6, 1987.

Thank you for your prompt consideration of this request for an extension.

Sincerely,

RICHARD L. BUXTON
Treasurer

RLB/mh

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1987

Mr. Richard L. Buxton, Treasurer
Steve Symms for Senate Committee
P.O. Box 471
Boise, Idaho 83701

RE: MUR 2452
Steve Symms for Senate
Committee
Richard L. Buxton,
Treasurer

Dear Mr. Buxton:

This is in response to your letter dated June 17, 1987, which we received on June 23, 1987, requesting an extension of 15 days to respond to the Complaint. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by close of business on July 6, 1987.

If you have any questions, please contact Sandra Dunham, the staff member assigned to this matter at (202) 376-8200.

Sincerely,

General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

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87 JUL 6 49:44



Box 471 • Boise, Idaho 83701 • 208-344-1776
July 2, 1987

George F. Rishel, Esquire
Acting Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: Matter Under Review 2452

Dear Mr. Rishel:

This will respond on behalf of the Steve Symms for Senate Committee and Richard L. Buxton, Treasurer, to the above-captioned matter filed by the German-American National Political Action Committee ("GAN-PAC"). Pursuant to 2 U.S.C. 437g(a)(12)(A), the Symms for Senate Committee hereby waives its right to keep these proceedings confidential and authorizes the Commission to make this matter public.

The actions of the Symms for Senate Committee about which GAN-PAC complains are specifically authorized by the Federal Election Campaign Act ("the Act") and the Advisory Opinions of the Federal Election Commission ("Commission"). Accordingly, the Commission should take no further action and dismiss this frivolous complaint.

FACTS

On the day before the November 1986 general election, Senator Steve Symms' campaign received a \$1,000 contribution from GAN-PAC. At the time the contribution was deposited, the Symms campaign had every reason to assume it was a mainstream political action committee. Senator Symms won reelection and continues to represent Idaho in the Senate of the United States.

In April 1987, news reports stated that Senator Symms was one of three candidates to receive contributions from GAN-PAC which was revealed to be an anti-Semitic group with Nazi affiliations.

Upon learning of GAN-PAC's purpose, the Senator decided that his campaign would immediately use its excess funds to make donations in the amount of the GAN-PAC contribution to two groups established pursuant to the Internal

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George F. Rishel, Esquire
July 2, 1987
Page 2

Revenue Code as charitable organizations. The Steve Symms for Senate Committee contributed \$500 on May 7, 1987 to the Anti-Defamation League of B'nai B'rith and \$500 on May 21, 1987 through the Idaho Holocaust Committee to the United States Holocaust Memorial Council which is building the Holocaust Museum in Washington, D.C.*

DISCUSSION

Section 439a of Title 2 of the United States Code states:

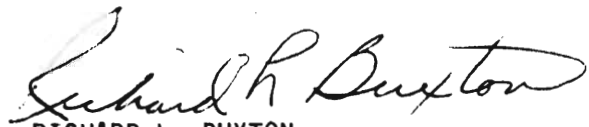
Amounts received by a candidate as contributions that are in excess of any amount necessary to defray his expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office ...may be contributed to any organization described in section 170(c) of title 26, or may be used for any other lawful purpose....

It is well-settled that excess campaign funds may be donated to qualified charitable organizations. 11 C.F.R. 113.2(b); Advisory Opinion 1984-1, Fed. Elec. Camp. Fin. Guide (CCH), para. 5750 (1984).

Both organizations to which Senator Symms made contributions with excess campaign funds are described in section 170(c) of the Internal Revenue Code and contributions to both organizations are tax deductible under section 170(c). The Anti-Defamation League is listed in the Internal Revenue Service's Book of Tax-Exempt Organizations (1987). The United States Holocaust Memorial Council is an instrumentality of the United States. It's enabling legislation (Public Law 96-388, section 7, 36 U.S.C. 1407) states that gifts to the organization are to be treated for tax purposes as gifts to the United States, meaning they are tax deductible under section 170(c) of the United States Code.

Accordingly, the actions of the Steve Symms for Senate Committee are specifically allowed by the Act. The Commission should take no further action against the Steve Symms for Senate Committee and Richard L. Buxton, Treasurer, in Matter Under Review 2452.

Sincerely,


RICHARD L. BUXTON
TREASURER

RLB/mh

* These will be reported as disbursements on the Steve Symms for Senate Committee's mid-year report to be filed with the Commission by July 31, 1987.

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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

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FIRST GENERAL COUNSEL'S REPORT

MUR # 2452
DATE COMPLAINT RECEIVED
BY OGC May 28, 1987
DATE OF NOTIFICATION TO
RESPONDENT(S) June 4,
1987
STAFF MEMBER Sandie
Dunham

COMPLAINANT: Hans Schmidt, National Chairman
German-American National PAC

RESPONDENT(S): Steve Symms for Senate Committee,
Richard L. Buxton, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 437g(a)(12)(A)
2 U.S.C. §439a
26 U.S.C. §170(c)

INTERNAL REPORTS
CHECKED: None

FEDERAL AGENCIES
CHECKED: U.S. Holocaust Memorial Council

I. GENERATION OF MATTER

On May 28, 1987, the Office of General Counsel received a complaint filed by the German-American National Political Action Committee ("GANPAC") against the Steve Symms for Senate Committee (the "Committee") and Richard L. Buxton, as treasurer.

SUMMARY OF ALLEGATIONS

The complaint alleges that on October 20, 1986, GANPAC mailed a \$1,000 check to Senator Symms at his office in Washington, D.C. Shortly thereafter, GANPAC received notification of receipt from the Committee. In April of 1987, supporters of GANPAC became aware of newspaper articles which

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indicated Senator Symms would be donating \$500 of the \$1,000 GANPAC contribution to the U.S. Holocaust Memorial Council (the "Council") through the Idaho Holocaust Committee with the remaining \$500 to be donated to the Anti-Defamation League of B'nai B'rith.

The Committee acknowledged it received and accepted a \$1,000 contribution from GANPAC on the day before the election. However, the ideology of the contributor was unknown to the Committee at the time of acceptance. The Committee's response stated "[u]pon learning of GAN-PAC's purpose, the Senator decided that his campaign would immediately use its excess funds to make donations in the amount of the GAN-PAC contribution to two groups established pursuant to the Internal Revenue Code as charitable organizations."

In its written response, the Committee waived its right of confidentiality pursuant to 2 U.S.C. § 437g(a)(12)(A) and authorized the Commission to make the matter public.

II. FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 439a allows any individual who was a Senator or Representative to Congress on January 8, 1980, to convert excess campaign funds to any personal use. Steve Symms, currently a Senator from the State of Idaho, was a member of the House of Representatives on January 8, 1980. Consequently, he could use surplus campaign funds for any lawful purpose.

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Furthermore, even if he were not a member of Congress on January 8, 1980, pursuant to 2 U.S.C. §439a, he could have donated campaign contributions that are in excess of amounts necessary to defray campaign expenditures may be donated to charitable organizations as defined in 26 U.S.C. §170(c). The Committee filed a Thirty Day Post-general Election Report on December 4, 1986. Included in this report was an itemized description of the \$1,000 GANPAC contribution which was processed on November 3, 1986, and a balance indicating a surplus of campaign funds.

26 U.S.C. §170(c)(1) defines a charitable contribution as a contribution or gift to or for the use of "[a] state or possession of the United States or any political subdivision of any of the foregoing, or the United States or the District of Columbia but only if the contribution or gift is made for exclusively public purposes." The Council is a federal entity which was created in 1980. Its membership consists of 55 Presidential appointees and 10 members of Congress. The purpose of the Council, among other things, is to seek contributions for the construction of a national Holocaust Memorial Museum in Washington, D.C. Therefore, a contribution by the Committee for this public cause does not violate any federal campaign election laws.

The Anti-Defamation League of B'nai B'rith is a tax-exempt organization under section 501(c)(3) and consequently, qualifies

to receive charitable contributions pursuant to 26 U.S.C. §170(c)(2) which defines a charitable contribution as a contribution or gift to "[a] corporation, trust, community chest fund or foundation - (a) created or organized in the United States or any possession thereof, or under the law of the United States, any State, the District of Columbia, or any possession of the United States; (B) organized and operated exclusively for religious, charitable, scientific, literary or educational purposes. . .; (C) no part of the net earnings of which inures to the benefit of any private shareholder or individual; and (D) which is not disqualified for tax exemption under section 501(c)(3) by reason of attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office."

The Commission has previously determined that campaign contributions received by a candidate which are in excess of amounts necessary to defray campaign expenditures may be donated to any organization described in 26 U.S.C. § 170(c). See Advisory Opinions 1985-9, 1978-100 and 1978-85. The Council and the Anti--Defamation League of B'nai B'rith are both described in Section 170(c), thus, the Committee had the right to contribute its excess campaign funds to these organizations.

Accordingly, this Office recommends that the Commission find no reason to believe that a violation of any Federal election

campaign laws has occurred. In view of the circumstances presented in this matter, this Office further recommends that the Commission close the file on this MUR.

Pursuant to 2 U.S.C. § 437g(a)(12)(A), any investigation made under section 437g shall not be made public by the Commission or any other person without the written consent of the person under investigation. The Committee waived its right to confidentiality and requested that this matter be made public.^{1/}

III. RECOMMENDATIONS

1. Find no reason to believe that the Steve Symms for Senate Committee and Richard L. Buxton, as treasurer violated any Federal election campaign law.
2. Approve the attached letters.
3. Close the file.

Date

8/7/87

Lawrence M. Noble (L12)
Lawrence M. Noble
Acting General Counsel

Attachments

1. Response to Complaint
2. Proposed 2 Letters

^{1/} Pursuant to agency practice, the Press Office will not issue a press release or similar notice, but will respond to any inquiries pertaining to the case (including inquiries submitted under the Freedom of Information Act). In doing so, their response will be limited by any other FOIA exemption(s) (i.e., any exemptions other than that provided by 2 U.S.C. § 437g(a)(12)(A)), which may apply to the case materials.

Attachment(s) 1, 2, 3
to First General Counsel's Report
have been removed from this
position in Public Record File.
See Index Item(s) 9, 13, 14

87040560245



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: LAWRENCE M. NOBLE
ACTING GENERAL COUNSEL

FROM: MARJORIE W. EMMONS / SUSAN GREENLEE ⁵⁶

DATE: AUGUST 11, 1987

SUBJECT: OBJECTION TO MUR 2452: First General Counsel's
Report
Signed August 7, 1987

The above-captioned document was circulated to the
Commission on Monday, August 10, 1987 at 11:00

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

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____
Commissioner Thomas	_____

This matter will be placed on the Executive Session
agenda for August 18, 1987.

Please notify us who will represent your Division
before the Commission on this matter.

87040560245

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Steve Symms for Senate Committee) MUR 2452
Richard L. Bauxton, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 18, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2452:

1. Find no reason to believe that the Steve Symms for Senate Committee and Richard L. Buxton, as treasurer, violated any Federal election campaign law.
2. Approve the letters attached to the General Counsel's report dated August 7, 1987.
3. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

8-19-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

87040560247



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 20, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hans Schmidt National Chairman
German-American National PAC
P.O. Box 28058
Washington, D.C. 20058

RE: MUR 2452

Dear Mr. Schmidt:

On August 18, 1987, the Federal Election Commission reviewed the allegations of your complaint dated May 19, 1987 and found that on the basis of the information provided in your complaint there is no reason to believe the Steve Symms for Senate Committee and Richard L. Buxton, as treasurer, violated any statute within the Commission's jurisdiction. Accordingly, on August 18, 1987, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended ("the 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,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 20, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard L. Buxton, as treasurer
Steve Symms for Senate Committee
P. O. Box 471
Boise, Idaho 83701

RE: MUR 2452
Steve Symms for Senate Committee
and Richard L. Buxton, as
treasurer

Dear Mr. Buxton:

On June 4, 1987, the Federal Election Commission notified the Steve Symms for Senate Committee ("Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On August 18, 1987, the Commission found, on the basis of the information in the complaint, and information provided by the Committee, that there is no reason to believe the Committee and you, as treasurer violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

The Commission notes your waiver of the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A). Non-exempt investigatory materials from the files will be made available to the public within thirty days.

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report

87040660249



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2452 E

DATE FILMED 10/21/87 CAMERA NO. 3

CAMERAMAN AS

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