



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

THIS IS THE BEGINNING OF MUR # 2734^E

DATE FILMED 4/5/89 CAMERA NO. 4

CAMERAMAN AS

89040730002

88 OCT 20 PM 2:45

88 OCT 20 AM 11:21

Thursday October 13, 1988

WUN 2734

Mr. Lawrence Noble, General Council
Federal Elections Committee
999 East Street NW
Washington, D.C. 20463

Good Morning:

I enclose a copy of an article on page 12 of the Realtor News as of September 26th, 1988.

The article has to do with television and radio advertising airing September 19, 1988 and ran for two weeks in the home states of seven congressional candidates whom the National Association of Realtors Independent Expenditures Committee had chosen to support in 1988.

We are concerned in the area of Representative Bill Emerson in the Eighth Congressional District in the state of Missouri.

We understand that they expended close to \$100,000.00 for the advertising.

In addition, we understand they have made a \$5,000 donation to him for primary elections and a \$5,000 donation for the general election.

It is our understanding that NAR Realtor Political Action Committee funds were used for this support to the Federal Candidates.

The ads implied and have a connotation of the approval of all the Realtors in the eighth Congressional District and supposedly, the approval was granted through a survey by contacting 200 Realtor members in the eighth Congressional District. We do not believe this is true.

We do not support this type of activity by NAR-RPAC for candidates of either party.

We do not believe the \$100,000 expenditure meets the requirements of the Federal Elections Committee. We have spoken with the National RPAC Chairman, Mr. Layne Morrill at 417-739-4333 at Kimberling City, Missouri in regard to our concern over these ads.

Respectfully Submitted,

Charles M. Mitchell
CHARLES M. MITCHELL REALTOR
305 Tanner St.
P.O. Box 309
Sikeston, MO. 63801

Ira M. Merideth
IRA M. MERIDETH
607 South Main
P.O. Box 1045
Sikeston, MO.

Jerry R. Smith
JERRY R. SMITH
East Malone St.
P.O. Box 1133
Sikeston, MO.

STATE OF MO COUNTY OF SCOTT BEFORE ME PERSONALLY APPEARED

Charles M. Mitchell ON THIS 14 DAY OF oct 1988

OF SIKESTON, SCOTT COUNTY, MISSOURI.

Charles M. Mitchell
CHARLES M. MITCHELL

Subscribed and sworn to before me the day and year first above written

Ira M. Merideth
Notary Public Ira M. Merideth

My Term Expires 12 11 91

89040730003

Page - 2-

STATE OF Missouri COUNTY OF Scott BEFORE ME PERSONALLY APPEARED
Ira M. Merideth ON THIS 14th DAY OF October 1988
OF SIKESTON, SCOTT COUNTY, MISSOURI.

Ira M. Merideth
Ira M. Merideth

SUBSCRIBED AND SWORN TO BEFORE ME THE DAY AND YEAR FIRST ABOVE WRITTEN

Linda L. Nowell
Notary Public Linda L. Nowell

My Term Expires October 21, 1990

* * * * *

STATE OF Missouri COUNTY OF Scott BEFORE ME PERSONALLY APPEARED
Jerry R. Smith ON THIS 17th DAY OF October 1988
OF SIKESTON, SCOTT COUNTY, MISSOURI.

Jerry R. Smith
Jerry R. Smith

SUBSCRIBED AND SWORN TO BEFORE ME THE DAY AND YEAR FIRST ABOVE WRITTEN

Catherine A. Smith
Notary Public Catherine A. Smith

My Term Expires July 28, 1990

Charles M. Mitchell, Ira M. Merideth, and Jerry R. Smith are
members of the Sikeston Board of Realtors, the Missouri Association
of Realtors, and the National Association of Realtors.

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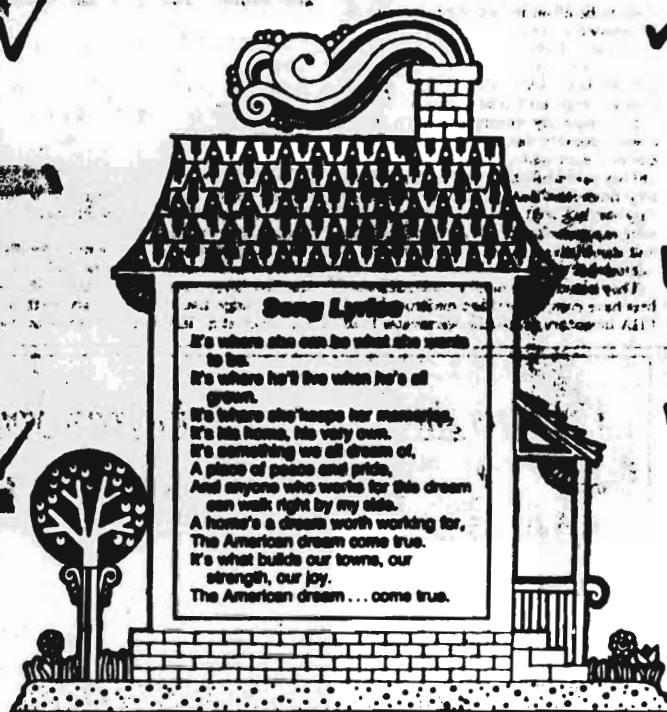
RPAC ads back candidates, stress importance of homeownership

RPAC ads back candidates, stress importance of homeownership. The television advertisements and radio spots that aired Sept. 19 and are scheduled to air for two weeks in the home states of the seven congressional candidates who...

The television advertisements and radio spots that aired Sept. 19 and are scheduled to air for two weeks in the home states of the seven congressional candidates who...

These candidates are Rep. John E. Foght, R-Ala., running for the 11th Senate against Democratic Rep. Walter E. Fauntroy, Jr.; Rep. John Dingell, D-Mich., running against General Burke, Rep. Richard Stennis, D-Miss., running against Dave Waddell, Rep. James Hansen, R-Utah, running against former Democratic Rep. Sam McCarty, Rep. Don Nickles, R-Okla., running against Jim Saxton, D-N.J., running against Jack Hill, R-Ill., running against Thomas West...

The advertisements supporting the seven candidates this election year are being aired by local radio stations during morning and evening rush hours and by local television stations during coverage of the Olympic Games.



"These ads are designed to be very upbeat and to focus on homeownership and the American dream," said Doty Thompson, vice president of NAR's Political Program.

The ads consist of three 30-second television advertisements and two 60-second and two 30-second radio spots for each candidate. Each set of advertisements incorporates scenes from the candidate's home district or state to help depict the theme of homeownership.

These advertisements were geared to the homeownership and private property issues that were taken in each candidate's district. Thompson explained, "We wanted to make sure that many voters are reminded about the importance of housing."

The 1988 advertisements also mark the first time in which each ad notes the involvement of the National Association of Realtors® in the creation. Each advertisement had always identified NAR's involvement with a written disclaimer at the close of each spot, Thompson said.

"Our goal is to make people who see these ads feel as good about the real estate industry as they should about the candidate," he said.

"What we want to do is remind voters that REALTORS® are their neighbors," Thompson added.

To help reinforce positive feelings about homeownership in the advertisements, the Independent Expenditures Committee commissioned a song sung by country/western singer Lee Greenwood about the "American dream come true."



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1988

SPECIAL DELIVERY

Mr. Charles M. Mitchell
505 Tanner Street
PO Box 309
Sikeston, MO 63801

RE: MUF 1774

Dear Mr. Mitchell:

This letter acknowledges receipt of October 21, 1988, of your complaint against the Peabody P.D. and Herbert Belgrave, Jr. as treasurer, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this letter shall remain confidential in accordance with 2 U.S.C. Sections 4371a, 4372, and 4373a(1)(B) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Lawrence M. Nobile
General Counsel


By: John E. Lerner
Associate General Counsel

Enclosure
Procedures

89040730006



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1988

SPECIAL DELIVERY

Mr. Jerry R. Smith
E. Malone Street
PO Box 1133
Sikeston, MO 63801

FE: MOA 2734

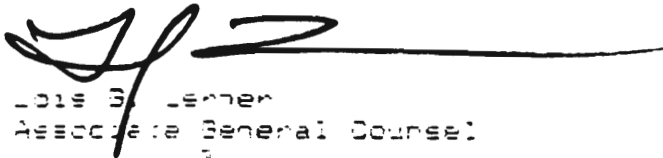
Dear Mr. Smith:

This letter acknowledges receipt on October 20, 1988, of your complaint against the Realsons PAC and Herbert Sellairs, as treasurer, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. 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. Sections 4352(a)(2) and 4352(a)(3)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois B. Lerner
Associate General Counsel

Enclosure
Procedures

89040730007



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 24, 1988

SPECIAL DELIVERY

Mr. Ina M. Merideth
607 S. Main
PO Box 1045
Bixeston, MO 63201

RE: MJS 2734

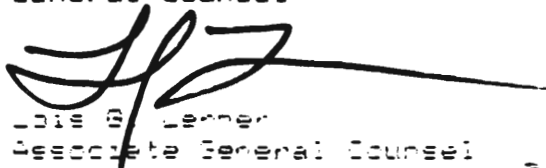
Dear Mr. Merideth:

This letter acknowledges receipt on October 20, 1988, of your complaint against the Realsons PAC and Herbert Bellairs, as treasurer, alleging violations of the Federal Election Campaign Law. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within 24 hours. You will be notified as soon as the Commission takes final action on your complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Please be advised that this letter shall remain confidential in accordance with 2 U.S.C. Sections 4371(a)(3) and 4371(b)(1)(A) unless the respondents notify the Commission in writing that they wish the matter to be made public.

Sincerely,

Lawrence M. Noble
General Counsel

By: 
Lois G. Lepper
Associate General Counsel

Enclosure
Procedures

89040730008



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 24, 1988

SPECIAL DELIVERY

Herbert Bellairs, Treasurer
Realtors PAC
471 N. Michigan Avenue
Chicago, IL 60611

RE: MLR 2734
Realtors PAC and
Herbert Bellairs, as
treasurer

Dear Mr. Bellairs:

This letter is to notify you that on October 20, 1988, the Federal Election Commission received a complaint which alleges that the Realtors PAC and you, as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the Act). A copy of the complaint is enclosed. We have assigned this matter MLR 2734. 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 Realtors PAC 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. You are encouraged to respond to this notification promptly. In order to facilitate an expeditious response, we have enclosed a pre-addressed, postage paid, special delivery envelope. If no response is received within 15 days, the Commission may take further action based on the available information.

The complaint may be dismissed by the Commission prior to the receipt of your response if the evidence submitted does not indicate that a violation of the Act has been committed. Should the Commission dismiss the complaint, you will be notified by overnight express mail.

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

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[illegible]

Lawrence M. Noble
General Counsel

Sgt. John E. Gerner
Associate General Counsel

88 OCT 25 PM 4:28

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

SENSITIVE

EXPEDITED FIRST GENERAL COUNSEL'S REPORT

MUR: 2734

STAFF: Kenneth Kellner

COMPLAINANTS: Charles M. Mitchell
Ira M. Merideth
Jerry R. Smith

RESPONDENTS: Realtors Political Action Committee and Herbert
Bellairs, as treasurer

SUMMARY OF ALLEGATIONS

This complaint centers on radio and television advertisements by the Respondents in support of seven Congressional candidates. According to an article in the Realtor News supplied by the Complainants, the Realtors Political Action Committee (the "Committee") funded the advertisements totally independent of the candidates and their campaigns.

FACTUAL AND LEGAL ANALYSIS

The Complainants state their belief that the \$100,000 expended by the Committee on these advertisements was in some fashion improper or illegal, but supply no other information to indicate how the Committee was not in compliance with federal election law or regulations. The Complainants object in general to the advertisements as connoting the approval of all Realtors in a congressional district of the Committee's choice of candidate. Again, the Complainants failed to describe how this is a violation of federal election laws. A review of federal election law and legislative history indicated no Federal

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Election Commission enforcement authority in this area. See the Federal Election Campaign Act of 1971, as amended (the "Act").

The Complainants also state that the Committee made a \$5,000 contribution to the campaign of Representative Bill Emerson in the Eighth Congressional District of Missouri for both the primary and general election. Under 2 U.S.C. § 441a(a)(2)(A), a multicandidate committee may contribute up to \$5,000 per election to a candidate for federal office. Therefore, these contributions by the Committee did not exceed the limitations set forth in 2 U.S.C. § 441a(a)(2)(A).

The Act does not limit the dollar amount of independent expenditures as it does contributions. See 2 U.S.C. § 441a. See also Advisory Opinion ("AO") 1984-30. The Act recognizes the permissibility of independent expenditures. Under 2 U.S.C. § 431(17), an independent expenditure is one made totally independent of the candidate or any authorized committee of the candidate. Apparently, such were the circumstances in the instant case. Therefore, there was no impropriety in both direct contributions and independent expenditures made on behalf of the same congressional candidate by the Committee.

Although any arrangement or coordination with the candidate or candidate committee would compromise the ability of a non-candidate committee to make independent expenditures, see AO 1987-15, there are no facts set forth in the complaint which would indicate such cooperation in the case at hand between the Committee and any of the congressional candidates.

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RECOMMENDATIONS

1. Find no reason to believe the Realtors Political Action Committee and Herbert Bellairs, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended.
2. Close the file.
3. Authorize the mailing of notification letters.

Lawrence M. Noble
General Counsel

10/25/88
Date

BY :


Lois G. Lerner
Associate General Counsel

Attachment
Blank Certification

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BEFORE THE FEDERAL ELECTION COMMISSION

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that the Commission, on Wednesday, October 26, , 1988, by a vote of 6 to 0 , adopted the recommendations contained in the First General Counsel's Report in MUR 2734, dated October 25, , 1988.

Voting for the Recommendations: Commissioners Aikens,
Elliott, Josefiak, McDonald, McGarry, and Thomas.

Voting Against the Recommendations: NONE

Absences or Abstentions (Indicate): NONE

Attest:

October 26, 1988
Date

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

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 28, 1988

AIRBORNE EXPRESS

Mr. Charles M. Mitchell
305 Tanner Street
P.O. Box 309
Sikeston, MO 63801

RE: MUR 2734

Dear Mr. Mitchell:

On October 26, 1988, the Federal Election Commission found on the basis of your complaint that there is no reason to believe the Realtors Political Action Committee and Herbert Bellairs, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, and closed the file in this matter.

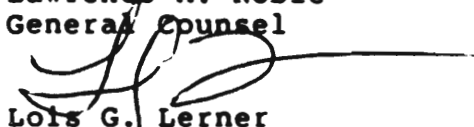
Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission by the Office of the General Counsel prior to its finding.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See § 437g(a)(8).

If you have any questions, please contact Kenneth E. Kellner at (202)376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure

82940730015



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 28, 1988

AIRBORNE EXPRESS

Mr. Jerry R. Smith
East Malone Street
P.O. Box 1133
Sikeston, MO 63801

RE: MUR 2734

Dear Mr. Smith:

On October 26, 1988, the Federal Election Commission found on the basis of your complaint that there is no reason to believe the Realtors Political Action Committee and Herbert Bellairs, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, and closed the file in this matter.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission by the Office of the General Counsel prior to its finding.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See § 437g(a)(8).

If you have any questions, please contact Kenneth E. Kellner at (202)376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure

80040730016



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 28, 1988

AIRBORNE EXPRESS

Herbert Bellairs, Treasurer
Realtors Political Action Committee
430 N. Michigan Avenue
Chicago, IL 60611

RE: MUR 2734
Realtors Political Action
Committee and Herbert
Bellairs, as treasurer

Dear Mr. Bellairs:

On October 24, 1988, the Federal Election Commission notified the Realtors Political Action Committee and you, as treasurer, of a complaint alleging violations of the Federal Election Campaign laws. On October 26, 1988, the Commission found that there is no reason to believe the Realtors Political Action Committee and you, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the Commission has closed its file in this matter.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission by the Office of the General Counsel prior to its finding.

This matter will become part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel.

If you have any questions, please contact Kenneth E. Kellner at (202)376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure

82040730017



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 28, 1988

AIRBORNE EXPRESS

Mr. Ira M. Merideth
607 South Main
P.O. Box 1045
Sikeston, MO 63801

RE: MUR 2734

Dear Mr. Merideth:

On October 26, 1988, the Federal Election Commission found on the basis of your complaint that there is no reason to believe the Realtors Political Action Committee and Herbert Bellairs, as treasurer, violated any provision of the Federal Election Campaign Act of 1971, as amended, and closed the file in this matter.

Enclosed for your information is a copy of the General Counsel's Report which was presented to the Commission by the Office of the General Counsel prior to its finding.

The Federal Election Campaign Act of 1971, as amended, allows a complainant to seek judicial review of the Commission's dismissal of this action. See § 437g(a)(8).

If you have any questions, please contact Kenneth E. Kellner at (202)376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

BY: 
Lois G. Lerner
Associate General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

THIS IS THE END OF MUR :

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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DATE FILMED 1/5/89 CAMERA NO. 4

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