



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 651

Date Filmed 6/14/79 Camera No. --- 2

Cameraman J. A. Q.

7 9 0 4 0 1 3 4 2 2 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463



POSTAGE AND FEES PAID



UNCLAIMED

Robert J.P. Thiem
P.O. Box 7725
Washington, D.C. 20044

CERTIFIED
943265

CLAIM CHECK NO.

245257

☐ HOLD

DATE

APR 11 1976

LAST NOTICE

SEND NOTICE

APR 30 1979

Check for
\$1.00 from 30044
APR 1977



FEDERAL ELECTION COMMISSION

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

April 9, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J.P. Thiem
P.O. Box 7725
Washington, D.C. 20044

RE: MUR 651

Dear Mr. Thiem:

The Federal Election Commission has voted to terminate its inquiry into the above matter. The Commission determined that substantial compliance had been achieved with respect to the allegations in your complaint.

A copy of the Commission's determination and the General Counsel's Report is enclosed for your information. If you have any questions, please contact Duane Brown, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

Commission certification
General Counsel's Report





FEDERAL ELECTION COMMISSION

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

April 9, 1979

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Sedan & Herge
J. Curtis Herge, Esq.
7600 Old Springhouse Road
McLean, Virginia 22101

RE: MUR 651

Dear Mr. Herge:

This is in reference to your letter of February 14, 1979 regarding the above captioned matter.

The Commission has considered the materials you submitted and has determined that no further action will be taken at this time against your client, Mr. P. Thomas Cantrell.

If you have any questions, please contact Duane Brown, the attorney assigned this matter, at (202)523-4057.

Sincerely,

William C. Oldaker
General Counsel

MUR 651 - Duane

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		CLERK'S INITIALS	
1. The following service is requested (check one): ☒ Show to whom and date delivered ☐ Show to whom, date, and address of delivery ☐ RESTRICTED DELIVERY ☐ Show to whom and date delivered ☐ RESTRICTED DELIVERY ☐ Show to whom, date, and address of delivery \$ _____ (CONSULT POSTMASTER FOR FEES)		79 APR 13 1979 UNABLE TO DELIVER 6:33	
2. ARTICLE ADDRESSED TO: <i>Sedan & Herge J. Curtis Herge, Esq.</i>		79 APR 13 1979 UNABLE TO DELIVER 6:33	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>93264</i> INSURED NO. _____		79 APR 13 1979 UNABLE TO DELIVER 6:33	
4. SIGNATURE: <i>W. C. Oldaker</i> I have received the article described above. SIGNATURE ☐ Addressee ☐ Authorized agent		79 APR 13 1979 UNABLE TO DELIVER 6:33	
5. ADDRESS (Complete only if required): DATE OF DELIVERY		79 APR 13 1979 UNABLE TO DELIVER 6:33	
6. ADDRESS (Complete only if required):		79 APR 13 1979 UNABLE TO DELIVER 6:33	

PS Form 3811, Apr. 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

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

April 6, 1979

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Barnett, Alagia & Carey
Marion Harrison, Esq.
1627 K Street, N.W.
Washington, D.C. 20006

RE: MUR 651

Dear Mr. Harrison:

This is in reference to your letter of February 22, 1979 regarding the above captioned matter. The Commission has considered the materials submitted by you on behalf of your client, Jenkins for Senate Committee, and has determined that no further action be taken at this time against the Committee. Please note that the language of the fundraising letter at issue has been construed by this office to constitute a solicitation for the sale of tickets. Accordingly, you are advised that such language should not be used in the future without the reporting of ticket sale proceeds in accordance with 2 U.S.C. §434(b) (6).

If you have any questions, please contact Duane A. Brown, the attorney assigned to the matter, at 523-4057.

Sincerely,

Handwritten: 523-4057 - D. Brown

SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one): ☐ Show to whom and date delivered. ☒ Show to whom, date, and address of delivery. ☐ RESTRICTED DELIVERY Show to whom and date delivered. ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Barnett, Alagia & Carey Marion Harrison, Esq.</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>943242</i>	INSURED NO.
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE ☐ Addressee ☒ Authorized agent <i>[Signature]</i>	
DATE OF DELIVERY <i>4/11/79</i>	POSTMARK
5. ADDRESS (complete only if requested): <i>1627 K St. N.W. WASH. D.C. 20006</i>	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for Senate Committee) MUR 651
Tom Cantrell)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 6, 1979, the Commission determined by a vote of 4-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated April 2, 1979, regarding the above-captioned matter:

1. Take no further action against Tom Cantrell.
2. Find no reasonable cause to believe the Jenkins Committee violated 2 U.S.C. §435(b).
3. Find no reasonable cause to believe that the Jenkins Committee violated 11 C.F.R. §104.3(a)(1) and (2).
4. Take no further action against the Jenkins Committee with respect to 2 U.S.C. §434(b)(6).
5. Close the file and send the appropriate letters.

Voting for this determination were Commissioners Aikens, Harris, McGarry, and Friedersdorf.

Attest:

4/6/79
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 4-3-79, 10:16
Circulated on 48 hour vote basis: 4-3-79, 1:00

79040134224

April 3, 1979

MEMORANDUM TO: Marge Emons
FROM: Elissa T. Garr
SUBJECT: MUR 651

Please have the attached General Counsel's Report
on MUR 651 distributed to the Commission on a 48 hour
tally basis.

Thank you.

79040134225

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 APR 3 410: 16

In the Matter of the)
Jenkins for Senate Committee;) MUR 651
Tom Cantrell)

GENERAL COUNSEL'S REPORT

BACKGROUND

On July 31, 1978, the Commission found reason to believe the Jenkins for Senate Committee violated the Act by conducting a mailing on behalf of the Jenkins candidacy but failing to include the proper disclaimer as required by §435(b).

On January 25, 1979, the Commission found reason to believe the Jenkins for Senate Committee violated the Act by failing to report an in-kind contribution in violation of 11 C.F.R. §104.3(a) (1) and (2) and for failing to report the proceeds from a fundraiser in violation of 2 U.S.C. §434(b)(6). At the same time, the Commission found reason to believe that Tom Cantrell violated the Act by making an expenditure for the purpose of influencing the election of a federal candidate through direct mailing, without stating whether or not the communication was authorized by the candidate, in violation of 2 U.S.C. §441d.

In response to the Commission's reason to believe finding, Tom Cantrell, through his attorney, stated that although the direct mailing complained of in this matter was made by Mr. Cantrell, Mr. Cantrell was unaware of the provisions of the Act requiring the proper disclaimer on all direct mailings. In addition, information submitted by Mr. Cantrell shows that the total expenditure for the mailing was approximately \$25.00 and that the mailing was made to 100 persons.

In light of Mr. Cantrell's statement, the nominal amount of money spent on the mailing, and the limited circulation the mailing achieved, the Office of General Counsel recommends that no further action be taken at this time in respect to Tom Cantrell.

Since the investigation uncovered information which shows that Tom Cantrell and not the Jenkins for Senate Committee was responsible for the direct mailing complained of, the Office of General Counsel recommends that no further action be taken against the Committee in respect to the §435(b) violation.

With respect to a violation of 11 C.F.R. §104.3(a)(1) and (2) which requires the disclosure of in-kind contributions, the evidence does not support a finding of a violation. As discussed in the last General Counsel's Report, there is a \$500 exemption afforded parties given at an individual's residence on behalf of a candidate [2 U.S.C. §431(e)(5)(B) and (I); and §431(f)(4)(D)]. The respondent committee claims that the fundraiser was given by Mr. and Mrs. Richard Viguerie. The cost of the party would therefore have had to exceed \$1000 before triggering a reporting requirement. Since there appears to have been only twelve guests in attendance, it is unlikely that the cost would have exceeded \$1000. In addition, Mr. Jenkins states that he was informed that the cost did not exceed \$1000.

With respect to a violation of 2 U.S.C. §434(b)(6), the Committee contends that it has no proceeds to report in accordance with 2 U.S.C. §434(b)(6) in that the proceeds resulting from the fundraiser were not the result of ticket sales or mass collections.

79040134227

The invitation in question specifically invites the recipient to a "fundraising dinner" in honor of the candidate Jenkins. It states in part:

"In order to help 'Woody' defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function." (See Attachment)

The fact that the affair is called a fundraiser and that it is "suggested" that each couple which plans to attend should pay \$50.00, appears to be equivalent to the "sale of tickets to a dinner, luncheon ... or other fundraising event," as set out in §434(b)(6). Under this construction, the Committee would have a reporting obligation under §434(b)(6). We are recommending, however, that no action be taken with respect to the Committee's lack of compliance for the following reasons:

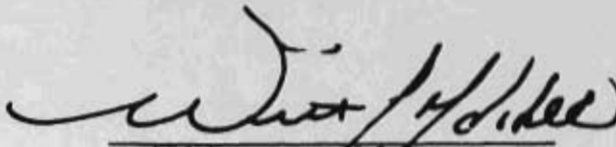
- (1) If twelve people attended the fundraiser and paid \$50 a couple as requested, the proceeds would have been \$300; but the proceeds were in fact \$625. Since the "ticket sales" were thus absorbed into the overall contributions made at the fundraiser, this could account for the Committee's having failed to report the \$300 separately as ticket sales.
- (2) The Committee states that it fully reported the \$625, itemizing those contributions in excess of \$100. Therefore, although the Committee appears to have committed a technical violation of §434(b)(6) by failing to disclose ticket proceeds on Schedule D, it does appear that the fundraising proceeds were fully reported elsewhere. It should suffice, therefore, for the Commission to put the Committee on notice that future use of a solicitation such as the one at issue could be construed as falling within 2 U.S.C. §434(b)(6). The attached letter to the respondent is written with that intent.

7904013428

Recommendations

1. Take no further action against Tom Cantrell.
2. Find no reasonable cause to believe the Jenkins Committee violated 2 U.S.C. §435(b).
3. Find no reasonable cause to believe that the Jenkins Committee violated 11 C.F.R. §104.3(a)(1) and (2).
4. Take no further action against the Jenkins Committee with respect to 2 U.S.C. §434(b)(6).
5. Close the file and send the appropriate letters.

4/2/79
Date


William C. Oldaker
General Counsel

Attachments

Solicitation Letter
Letters to Respondents

79040134229

JENKINS

United States Senate



Dear Friends:

You and a partner are cordially invited to attend a fund raising dinner in honor of Lewis "Woody" Jenkins, Democratic Candidate for the United States Senate from the state of Louisiana. He and his wife, Diane, will be at the home of Mr. Richard Viguerie, 6033 Crimson Court, McClean, Virginia on Thursday, July 13, 1978 from 7:30 to 9:00 p.m.

In order to help Woody defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function.

Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Barnett, Alagia & Carey
Marion Harrison, Esq.
1627 K Street, N.W.
Washington, D.C. 20006

RE: MUR 651

Dear Mr. Harrison:

This is in reference to your letter of February 22, 1979 regarding the above captioned matter. The Commission has considered the materials submitted by you on behalf of your client, Jenkins for Senate Committee, and has determined that no further action be taken at this time against the Committee. Please note that the language of the fundraising letter at issue has been construed by this office to constitute a solicitation for the sale of tickets. Accordingly, you are advised that such language should not be used in the future without the reporting of ticket sale proceeds in accordance with 2 U.S.C. §434(b)(6).

If you have any questions, please contact Duane A. Brown, the attorney assigned to the matter, at 523-4057.

Sincerely,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Sedan & Herge
J. Curtis Herge, Esq.
7600 Old Springhouse Road
McLean, Virginia 22101

RE: MUR 651

Dear Mr. Herge:

This is in reference to your letter of February 14, 1979 regarding the above captioned matter.

The Commission has considered the materials you submitted and has determined that no further action will be taken at this time against your client, Mr. P. Thomas Cantrell.

If you have any questions, please contact Duane Prown, the attorney assigned this matter, at (202)523-4057.

Sincerely,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J.P. Thiem
P.O. Box 7725
Washington, D.C. 20044

RE: MUR 651

Dear Mr. Thiem:

The Federal Election Commission has voted to terminate its inquiry into the above matter. The Commission determined that substantial compliance had been achieved with respect to the allegations in your complaint.

A copy of the Commission's determination and the General Counsel's Report is enclosed for your information. If you have any questions, please contact Duane Brown, the attorney assigned to this matter, at (202) 523-4057.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

Commission certification
General Counsel's Report



LAW OFFICES
BARNETT, ALAGIA & CARRY

1627 K STREET, N. W.
WASHINGTON, D. C. 20006
TELEPHONE (202) 785-5572
CABLE ALL OFFICES ALBAR

March 22, 1979

3007
9734
RECEIVED
FEDERAL ELECTION
COMMISSION

BARNETT & ALAGIA
KENTUCKY HOME LIFE BUILDING
BOX 1178
LOUISVILLE, KENTUCKY 40201
TELEPHONE (502) 582-4131
BARNETT, ALAGIA & PROSPER
248 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE (305) 832-5595

OF COUNSEL
RUFUS E. WILSON

901704

D. PAUL ALAGIA, JR.
WILLIAM A. CAREY
ALLAN S. SOLOMON
M. BROOKS BENN
JOSEPH M. DAY
A. PAUL PROSPER
ST. JOHN BARNETT
CHARLES DAWSON BARNETT
FRANKLIN DRAKE
JOHN E. EVANS
RONALD L. GAFFNEY
WILLIAM S. GLADING
JOHN S. KECK
KARL F. LOUCKS II
DONALD F. MINTMIRE
JACK E. RUCK
LEE C. SUMMERS

BERNARD H. BARNETT
MARION EDWYN HARRISON
RICHARD M. TRAUTWEIN
JOHN T. MILLER
MICHAEL E. LANNON
RICHARD A. GLADSTONE
PATRICIA C. ANDERSON
ANTHONY G. BROWN
DARRYL W. DURHAM
WM. CARL FUST
GARY D. GARRISON
JOHN H. HIMMELBERG
W. DAVID KISER
MARY CHERYL MATHEIS
IVAN RICH
JOHN F. SHERLOCK III
MARY JO WINKLER

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Jenkins for Senate Committee
MUR #651

Dear Mr. Oldaker:

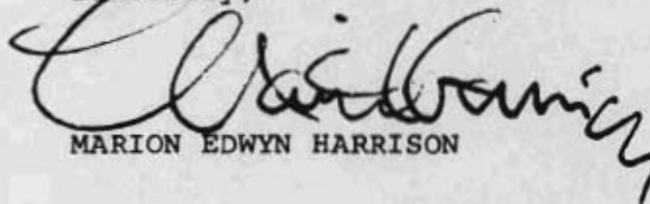
In our letter of February 22, 1979, we requested that MUR #651 be spread upon the public record.

On March 15 Ms. Patricia C. Anderson, a lawyer in this office, checked the public records and discovered that it was unavailable. Mr. Duane A. Brown informed her that the files were kept out of the public records during the investigation by virtue of a "formal action by the Commission" and that the file would not be open to the public until 60 days after conclusion of the investigation pursuant to "Commission policy".

May we have the dates and citations for the foregoing authority?

Our client has nothing to hide.

Sincerely,


MARION EDWYN HARRISON

MEH:kg

cc The Honorable Joan D. Aikens
Duane A. Brown, Esquire
Jenkins for Senate Committee

79040124234

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

Duane A. Brown, Esquire
Federal Election Commission
Washington, D. C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION

79 MAR 27 AM 9:44

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

William C. Oldaker, Esquire
General Counsel

Federal Election Commission
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO

CHARLES STEELE

FROM:

MARJORIE W. EMMONS *mwe*

DATE:

MARCH 2, 1979

SUBJECT:

MUR 651 - Interim Investigative Report
dated 3-1-79; Received in OCS
3-2-79, 2:45

The above-named document was circulated on a 24
hour no-objection basis at 4:15, March 1, 1979.

The Commission Secretary's Office has received
no objections to the Interim Investigative Report as
of 4:15 this date.

79040134237

March 1, 1979

MEMORANDUM TO: Marge Emmons
FROM: Eliana T. Garr
SUBJECT: MUR 651

Please have the attached Interim Invest Report on
MUR 651 distributed to the Commission.

Thank you.

79040134238

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

MAR 1
79 FEB 29 P 2: 45

In the Matter of the)
Jenkins for Senate Committee) MUR 651

INTERIM INVESTIGATIVE REPORT

The Office of General Counsel recently received a response to the Commission's second reason to believe finding against the Jenkins for Senate Committee and is currently analyzing it. A General Counsel's report will be soon forthcoming.

3/1/79
Date

William C. Oldaker
William C. Oldaker
General Counsel

by Gary D. Johnson

79040134239

Hand Delivered
2/23/79 a.m.

200# 9415

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARRETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

LAW OFFICES
BARNETT, ALAGIA & CAREY

1827 K STREET, N.W.
WASHINGTON, D. C. 20006
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CABLE ALL OFFICES ALBAR

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KENTUCKY HOME LIFE BUILDING
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LOUISVILLE, KENTUCKY 40201
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BARNETT, ALAGIA & PROSPERI
249 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/TELECOPIER (305) 832-5886

February 22, 1979

BY HAND

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Jenkins for Senate Committee
MUR #651

Dear Mr. Oldaker:

We respond to your letter of January 26, 1979 in which you advise that the Federal Election Commission has reason to believe that the Jenkins for Senate Committee ("Committee") may have failed to report (1) an in kind contribution for the hosting of a fund raising party and (2) the proceeds from that party, the former violative of 11 CFR \$104.3(a)(2) and the latter of 2 USC \$434(b)(6).

With respect to the applicability of 11 CFR \$104.3(a)(2) in context, we invite your attention to the following pertinent language:

"The term 'contribution' does not include . . .

"(4) the use of real or personal property in the cost of invitations, food, and beverages, voluntarily provided without charge by an individual, in rendering voluntary personal services to a candidate on the individual's residential premises, to the extent that the cumulative value of those activities by the individual on behalf of the candidate do [sic] not exceed \$500 with respect to an election . . . a contribution by a married individual shall not be attributable to a spouse."

The reception given for Representative Louis (Woody) Jenkins on July 13, 1978 does not constitute an in kind contribution unless the total cost of the party exceeds the

79040134240

BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
February 22, 1979
Page two

sum of \$1,000.00, inasmuch as the hosts were Mr. and Mrs. Richard A. Viguerie and costs in this context are not attributable one spouse to another. Consequently, there was no "contribution" as that word is defined and, hence, nothing for our client to report.

The foregoing presupposes that the total cost of the party did not exceed the sum of \$1,000.00. Our client is informed, and verily believes, that the cost did not exceed that figure. Of course, only the hosts can prove that point.

With respect to the applicability of 2 USC §434(b)(6), there were no "proceeds from . . . the sale of tickets . . . ; . . . mass collections . . . ; [or] . . . sales of items . . ."

As the evidence of record in #651 already indicates, Mr. Jenkins' personal records show that 12 guests at the party contributed a total of \$625.00 to Mr. Jenkins during the party. He turned these contributions over to the Committee, together with many other contributions similarly received, and without attribution as to the physical locale of their donation. Those sufficiently large to require separate reporting were so reported. None resulted from the sale of a ticket, a mass collection or the sale of an item. Each resulted from a guest at the party offering a check to Mr. Jenkins, who did not solicit funds at the party.

Hence, the requirement of §434(b)(6) that "the total amount of proceeds" from certain types of fund raising activity be reported is inapplicable inasmuch as there was no activity of the enumerated type.

As the record in #651 already shows, the Committee did not schedule the Vigueries' party as a fund raising event and did not treat it as such.

There is no validity to the pending allegation as there was none to those set forth in the Federal Election Commission's original letter of August 2, 1978, addressed to Mr. Jenkins personally.

By way of procedure, and not substance, I share your concern that the parties extend mutual courtesy. The record

19940134241

BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
February 22, 1979
Page three

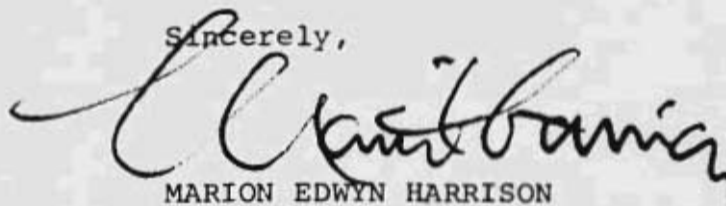
is one of undue pressure and harassment involving trivia (whether lawful or unlawful) relating to an event long past. There is no urgency yet both the client and counsel have been treated summarily. A client, having retained counsel who is actively appearing in a case, and whose principal is abroad, is under no obligation to assume that a federal agency, through incompetence or design, is not communicating with counsel of record.

In my practice before the Federal Election Commission I conscientiously - and I submit, successfully - meet meaningful time obligations properly imposed. This is not such an instance. The record speaks for itself.

We request that MUR #651 be spread upon the public record. 2 USC §437(g) (a) (3) (B).

The Federal Election Commission should close the file on MUR #651.

Sincerely,



MARION EDWYN HARRISON

MEH:kg

cc The Honorable Joan D. Aikens
Duane A. Brown, Esquire
Jenkins for Senate Committee

79040134242

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

BY HAND

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

4007-3

SEDAM & HERGE

ATTORNEYS AT LAW
7800 OLD SPRINGHOUSE ROAD
MCLEAN, VIRGINIA 22101

(703) 821-1000

UNITED
FEDERAL ELECTION
COMMISSION

GLENN J. SEDAM, JR.
J. CURTIS HERGE

THOMAS M. DAVIS, III
MICHAEL D. HUGHES
ROBERT R. SPARKS, JR.
CHRISTOPHER M. WAS

'79 FEB 16 AM 9:18
1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 821-1000

February 14, 1979

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

Attention: Duane A. Brown, Esq.

Re: MUR 651

Dear Mr. Oldaker:

We are writing on behalf of our client, Mr. P. Thomas Cantrell, in response to your letter to Mr. Cantrell, dated January 26, 1979, in which it was alleged that our client may have made an expenditure for the purpose of influencing the election of a federal candidate through direct mailing without stating whether or not the communication was authorized by the candidate. You have numbered this matter MUR 651.

It appears that the communication in question is one that was prepared and mailed in late June or early July, 1978, inviting the addressees to attend a fundraising dinner on July 13, 1978, in honor of Lewis "Woody" Jenkins, a candidate for the United States Senate from the State of Louisiana. A copy of that communication, which is not dated, is attached to this letter. It will be observed that the communication appears on the letterhead of "Jenkins United States Senate, Suite 1023, One American Place, Baton Rouge, Louisiana 70825, (504) 383-6226."

The circumstances which precipitated the issuance of the communication are that Mr. Cantrell had invited Mr. Jenkins to Washington, D.C., for the purpose of spending a full day in meeting supporters and potential supporters of his candidacy. Following a determination of a date, July 13, 1978, Mr. Cantrell scheduled a series of meetings, the last being the function described in the communication in issue.

79040134244

Mr. Cantrell intended the function on the evening of July 13, 1978, to be an opportunity - as in the case of the earlier meetings that day - for Mr. Jenkins to meet potential supporters. In order to invite people to the function, Mr. Cantrell requested, and was provided with, a supply of campaign stationery from Mr. Jenkins campaign committee. Mr. Cantrell used that stationery in reproducing and mailing approximately 100 copies of the invitation. The total expense incurred by Mr. Cantrell in this effort was the cost of xeroxing the invitation, approximately \$10.00, and the cost of the postage, approximately \$15.00.

The cost of the function itself was absorbed by the host, the owner of the residence in which it was held, and Mr. Cantrell has no personal knowledge of the amount expended for hosting the function. No portion of that cost was paid by Mr. Cantrell.

During the course of the event, Mr. Cantrell observed that some individuals presented checks to Mr. Jenkins. Mr. Cantrell has no personal knowledge of the number or amount of those checks. No checks were delivered to Mr. Cantrell in advance of, or after, the function.

With respect to the communication itself, it is abundantly clear that it was authorized by the candidate and/or his authorized political committee. The invitation was reproduced on the candidate's stationery, bearing the phrase "Jenkins United States Senate," the candidate's picture and the address of the candidate's campaign committee. The text of the invitation advised recipients that the candidate would be present and suggested that checks be drawn to the order of the candidate's campaign committee. Thus, the reader was provided with actual notice that the communication was authorized by the candidate.

The fact that the communication did not carry the disclaimer and notice required by 11 C.F.R. 110.11 should not subject Mr. Cantrell to the burden of a penalty. He used the campaign stationery provided to him by the candidate's committee. Being uninitiated in the refinements of the Federal Election Campaign Act of 1971, as amended, it is reasonable that Mr. Cantrell would assume that he could use the stationery supplied to him by the candidate's committee for the purposes for which it was intended. If Mr. Cantrell were held, in this instance, to be a guarantor of compliance with the Act by Mr. Jenkins' campaign committee, it would be logical to assume that individuals similarly situated could be held to be guarantors of other violations of which they

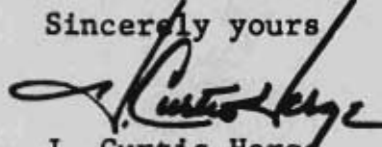
79040134245

The Honorable William C. Oldaker
Page Three
February 14, 1979

did not have notice. For example, if Jenkins for U.S. Senate Committee were not the properly registered principal or authorized campaign committee of the candidate, could Mr. Cantrell be held responsible for that violation? It is suggested, therefore, that although the communication did not bear the disclaimer and notice required by 11 C.F.R. 110.11, no action should be taken against Mr. Cantrell who acted in good faith as an authorized agent of Mr. Jenkins' campaign committee.

We would be pleased to provide you with any additional material or documentation you may require in this matter.

Sincerely yours



J. Curtis Herg

cc: Mr. P. Thomas Cantrell

79040134246

JENKINS

United States Senate



Dear Friends:

You and a partner are cordially invited to attend a fund raising dinner in honor of Lewis "Woody" Jenkins, Democratic Candidate for the United States Senate from the state of Louisiana. He and his wife, Diane, will be at the home of Mr. Richard Viguerie, 6033 Crimson Court, McClean, Virginia on Thursday, July 13, 1978 from 7:30 to 9:00 p.m.

In order to help Woody defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function.

Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"

79040134247

SEDAM & HERGE

ATTORNEYS AT LAW

7600 OLD SPRINGHOUSE ROAD

MCLEAN, VIRGINIA 22101

RECEIVED
FEDERAL ELECTION
COMMISSION

'79 FEB 16 AM 9:18

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

Attention: Duane A. Brown, Esq.

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARNETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

LAW OFFICES **BARNETT, ALAGIA & CAREY**

1627 K STREET, N.W.
WASHINGTON, D. C. 20005
TELEPHONE/TELECOPIER (202) 796-8672
CABLE ALL OFFICES ALBAR

February 8, 1979

600 9287
AND DELIVERED
BARNETT & ALAGIA
KENTUCKY HOME LIFE BUILDING
BOX 1179
LOUISVILLE, KENTUCKY 40201
TELEPHONE/TELECOPIER (502) 585-4131

BARNETT, ALAGIA & PROSPER
249 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/TELECOPIER (305) 832-5696

BY HAND

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Jenkins for Senate Committee
MUR #651

Dear Mr. Oldaker:

Until yesterday we have heard nothing further in the premises. The last communication was our letter to you of December 13, 1978. Yesterday State Representative Louis (Woody) Jenkins telephoned me from Atlanta, advising that upon returning to the States from a trip to the Far East, he learned that a communication pertaining to this matter had been received. It is supposed to be answered by tomorrow. Tomorrow I will be in Atlanta attending the American Bar Association Midyear Meeting. I am a member of the House of Delegates and serve in several other capacities. Accordingly, whatever our client has received, a copy of which I have not yet received, cannot be answered short of late next week.

I am appalled - and I assert my complaint most vigorously - that the FEC, knowing our client is represented by counsel, would communicate directly with our client, without even the courtesy of a copy to this office.

If this procedure is deliberate, it is unethical. See also 5 USCA §500(f). If it is inadvertent, it reflects inefficiency. In either event, our client cannot be held

79040134249

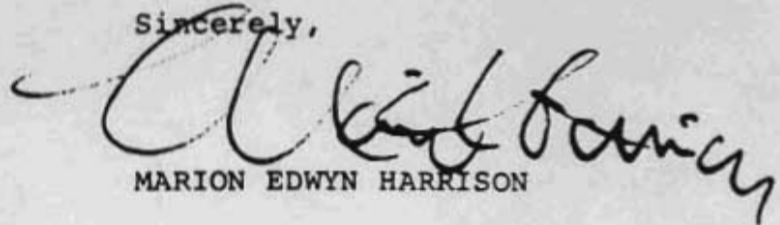
BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
February 8, 1979
Page two

reponsible for communications erroneously sent to it when it is entitled to assume that its counsel in Washington, already of record in the case, is the addressee of all communications.

Failure to communicate through the only acceptable channel is particularly unseemly in the light of prior undue haste and pressure in this case.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
cc The Honorable Joan D. Aikens
Duane A. Brown, Esquire
Jenkins for Senate Committee

79040134250

LAW OFFICES

BARNETT, ALAGIA & CAREY

1817 K STREET, N.W.

WASHINGTON, D. C. 20006

TELEPHONE/TELECOPIER (202) 795-8572

CABLE ALL OFFICES ALBAR

D. PAUL ALAGIA, JR.
 BERNARD H. BARNETT
 WILLIAM A. CAREY
 MARION EDWYN HARRISON
 RICHARD A. GLADSTONE
 ST. JOHN BARNETT

WILLIAM S. GLADING
 JOHN M. HIMMELBERG
 JOHN F. SHERLOCK III

RUFUS E. WILSON
 OF COUNSEL

BARNETT & ALAGIA
 KENTUCKY HOME LIFE BUILDING
 BOX 1179
 LOUISVILLE, KENTUCKY 40201
 TELEPHONE/TELECOPIER (502) 585-4131

BARNETT, ALAGIA & PROSPERI
 246 ROYAL PALM WAY
 PALM BEACH, FLORIDA 33480
 TELEPHONE/TELECOPIER (305) 832-5696

February 8, 1979

BY HAND

William C. Oldaker, Esquire
 General Counsel
 Federal Election Commission
 Washington, D. C. 20463

Re: Jenkins for Senate Committee
MUR #651

Dear Mr. Oldaker:

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I am appalled - and I assert my complaint most vigorously - that the FEC, knowing our client is represented by counsel, would communicate directly with our client, without even the courtesy of a copy to this office.

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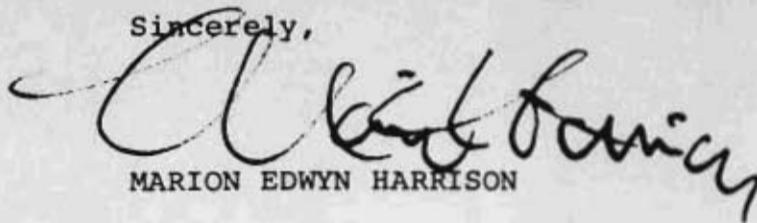
BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
February 8, 1979
Page two

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Failure to communicate through the only acceptable channel is particularly unseemly in the light of prior undue haste and pressure in this case.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
cc The Honorable Joan D. Aikens
Duane A. Brown, Esquire
Jenkins for Senate Committee

79040134252

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

B Y H A N D

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

7 2 9 4 0 1 3 9 2 5
LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

BY HAND

Duane A. Brown, Esquire
Federal Election Commission
Washington, D. C. 20463

LAW OFFICES

BARNETT, ALAGIA & CAREY

1627 K STREET, N.W.

WASHINGTON, D.C. 20006

BY HAND

The Honorable Joan D. Aikens
Chairman
Federal Election Commission
Washington, D. C. 20463



FEDERAL ELECTION COMMISSION

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

February 7, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Curtis Herge, Esq.
7600 Old Springfield Road
McLean, Virginia 22101

RE: MUR 651

Dear Mr. Herge:

This is in response to your letter dated February 2, 1979, in which you requested a copy of the direct mail communication which forms the basis for this matter. Inadvertently, my office did not include the communication with the letter to Mr. Cantrell. We are enclosing a copy of the mailing which is at issue.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



CCC# 9249

SEDAM & HERGE

ATTORNEYS AT LAW
7800 OLD SPRINGHOUSE ROAD
MCLEAN, VIRGINIA 22101

RECEIVED
FEDERAL ELECTION
COMMISSION

19 FEB 5 PM 12:10

GLENN J. SEDAM, JR.
J. CURTIS HERGE

(703) 821-1000

1700 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 821-1000

THOMAS M. DAVIS, III
MICHAEL D. HUGHES
ROBERT R. SPARKS, JR.
CHRISTOPHER M. WAS

February 2, 1979

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

Attention: Duane A. Brown

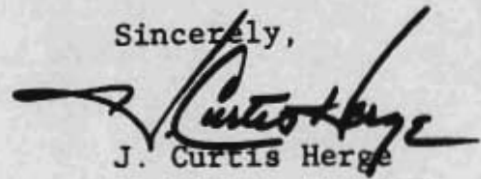
Re: MUR 651

Dear Mr. Oldaker:

We are writing with reference to your letter to Mr. Cantrell, dated January 26, 1979, in which it was alleged that Mr. Cantrell may have made an expenditure for the purpose of influencing the election of a Federal candidate through direct mailing without stating whether or not the communication was authorized by the candidate. Mr. Cantrell has engaged us to represent him in this matter. Enclosed herewith is a letter from Mr. Cantrell to the Commission, confirming our representation and authorizing the Commission to communicate with us on this matter.

We are in the process of marshaling the facts in order to prepare a substantive response to your letter. Unfortunately, Mr. Cantrell does not have a copy of the alleged direct mail communication which forms the basis for this matter. We would appreciate it, therefore, if you would send us a copy of any such communication you may have in hand.

Sincerely,


J. Curtis Herge

000055

cc: Mr. Thomas Cantrell

79040134257

February 2, 1979

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

Re: MUR 651

Dear Sirs:

In response to your letter, dated January 26, 1979, relative to the matter numbered MUR 651, I have engaged J. Curtis Herge, Sedam & Herge, 7600 Old Springhouse Road, McLean, Virginia 22102, to represent me. You are authorized to communicate with Mr. Herge on this matter on my behalf.

Very truly yours,



Thomas Cantrell

79040134258

SEDAM & HERGE

ATTORNEYS AT LAW

7400 OLD SPRINGHOUSE ROAD

MCLEAN, VIRGINIA 22101

20463

79 FEB 3 PM 12:09

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

Attention: Duane A. Brown



FEDERAL ELECTION COMMISSION

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

January 30, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J.P. Thiem
P.O. Box 7725
Washington, D.C. 20044

Dear Mr. Thiem:

This is in response to your letter of January 10, 1979, inquiring as to any action taken by the Federal Election Commission in respect to your complaint filed July 13, 1978, against Representative Louis Jenkins alleging possible violations of the Federal Election Campaign Act of 1971, as amended.

Our records show that the General Counsel did attempt to contact you in order to provide a description of the preliminary procedures for handling complaints such as yours. For whatever reason, the letter went unclaimed and was returned to the Commission. (See Attachment) I have, however, again enclosed a copy of the letter and procedures which we use to handle complaints received by the Commission.

Sincerely,

William C. Oldaker
General Counsel

Enclosures





FEDERAL ELECTION COMMISSION

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

January 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Tham
Treasurer
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Tham:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found that your committee may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that your committee failed to report an in-kind contribution from Richard Viguerie in violation of 11 C.F.R. §104.3(a)(2) for his hosting of a fundraising event on July 13, 1978, and it appears that your committee failed to report the proceeds from that fundraiser in violation of 2 U.S.C. §434(b)(6).

Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.



If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker

William C. Oldaker
General Counsel

cc: Louis Jenkins
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Michael H. Jenkins

1. The following service is requested (check one).
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
 Show to whom and date delivered
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Michael H. Jenkins

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943239

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 FEB 25 1979

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

PS Form 3811, Apr 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

Michael H. Jenkins

1. The following service is requested (check one).
☐ Show to whom and date delivered
☒ Show to whom, date, and address of delivery
☐ RESTRICTED DELIVERY
 Show to whom and date delivered
☐ RESTRICTED DELIVERY
 Show to whom, date, and address of delivery \$
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Louis Jenkins

3. ARTICLE DESCRIPTION:
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 943239

(Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY
 2-5-79

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



FEDERAL ELECTION COMMISSION

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

January 26, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Cantrell
401 C Street, N.E.
Washington, D.C. 20002

RE: MUR 651

Dear Mr. Cantrell:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission has found that you may have violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, it appears that you made an expenditure for the purpose of influencing the election of a Federal candidate through direct mailing without stating whether or not the communication was authorized by the candidate, in violation of 2 U.S.C. §441d. We have numbered this matter MUR 651.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter at (202) 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

Sincerely,

William C. Oldaker
General Counsel

☆GPO: 1977-0-249-595

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Jenkins for Senate)
Committee)

MUR 651

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 25, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated January 22, 1979, regarding the above-captioned matter:

1. Find reason to believe that Tom Cantrell violated 2 U.S.C. §441d.
2. Find reason to believe that the Jenkins for Senate Committee violated 2 U.S.C. §434(b)(6) and 11 C.F.R. §104.3(a)(1) and (2).
3. Send the letters attached to the above-named report.

Voting for this determination were Commissioners Springer, Aikens, Tiernan, McGarry, and Thomson.

Attest:

1/25/79

Marjorie W. Emmons

Date

Marjorie W. Emmons

Received in the Office of Commission Secretary: 1-23-79, 10:07
Circulated on 48 hour vote basis: 1-23-79, 3:00

79040134265

January 23, 1979

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 651

Please have the attached General Counsel's Report
on MUR 651 distributed to the Commission on a 48 hour
tally basis.

Thank you.

79040134266

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSIONER SECRETARY

79 JAN 23 410: 07

In the Matter of)
The Jenkins for Senate) MUR 651
Committee)

GENERAL COUNSEL'S REPORT

On July 31, 1978, the Commission found reason to believe that the Jenkins for Senate Committee violated 2 U.S.C. §435(b). On September 29 and November 29, 1978, the Commission authorized the issuance of Orders to be served on candidate Louis Jenkins and the Jenkins for Senate Committee respectively in furtherance of its investigation of this matter.

As a result of those investigations, the Office of General Counsel has obtained information which suggests that other parties, related in some way to the Jenkins for Senate Committee, may have violated several provisions of the Act.

Discussion

As mentioned, the Commission found reason to believe that the Jenkins for Senate Committee violated the Act. It appeared that the Jenkins Committee had conducted a mailing inviting people to attend a fundraiser on behalf of Louis Jenkins. The mailing, which was sent on Jenkins Committee stationery, failed to include the disclaimer as required by 2 U.S.C. §435(b). Our investigation shows that a Tom Cantrell, not the Jenkins Committee, was responsible for the mailing complained of in this matter. In a telephone conversation with General Counsel staff, Cantrell did state however, that he had in fact received prior informal permission from Louis Jenkins to conduct the mailing. This therefore raises a possible violation of

79040134267

2 U.S.C. §441d(1) or (2) since it is still not clear whether the candidate authorized the mailings. However, some disclaimer appears to be warranted.

With respect to the fundraiser which is the subject of the mailing at issue, the Jenkins Committee has stated that approximately \$625.00 was raised and given to Louis Jenkins. Yet the Jenkins Committee reports do not reveal the receipt of the proceeds from the fundraiser, in apparent violation of 2 U.S.C. §434(b)(6). In addition, the Committee may be in violation of 11 C.F.R. §104.3(a) which requires the reporting of in-kind contributions. If the cost of the fundraiser was under \$500, then this would not constitute an expenditure under 2 U.S.C. §431(f)(4)(D) and therefore not trigger a reporting obligation. An investigation is necessary, however, in order to determine the cost of the fundraiser and whether the committee violated 11 C.F.R. §104.3(a).

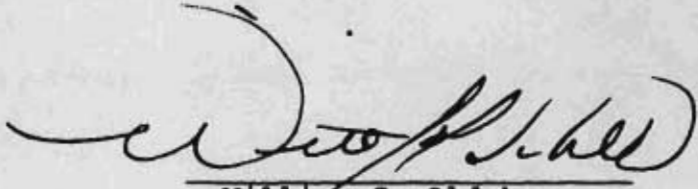
Tom Cantrell has informed this office that the dinner-fundraiser was hosted at the home of and paid for by Richard A. Viguerie. This information has been confirmed by the Jenkins Committee in its response to the Commission's Order. Mr. Viguerie's giving of the fundraiser raises the issue of whether he violated 2 U.S.C. §441a(a) since the fundraiser would not appear to be an independent expenditure falling outside of the limitation imposed by 2 U.S.C. §441a(a)(1)(A). However, since \$500 is allowed to be spent under 2 U.S.C. §431(f)(4)(D) before the \$1000 limitation imposed by §441a(a)(1)(A) comes into play, thus in effect permitting an individual contribution of \$1,500, and since Mr. Viguerie made no reported contribution to Jenkins, the cost of the fundraiser would have had to exceed \$1500 before Mr. Viguerie

could have exceeded the contributions limitation. As approximately 25 people attended the fundraiser it is unlikely that the cost was so great. We therefore recommend not pursuing this issue in respect to Mr. Viguerie.

Recommendation

1. Find reason to believe that Tom Cantrell violated 2 U.S.C. §441d.
2. Find reason to believe that the Jenkins for Senate Committee violated 2 U.S.C. §434(b)(6) and 11 C.F.R. §104.3(a)(1) and (2).
3. Send the attached letters.

1/22/79
Date


William C. Oldaker
General Counsel

Attachments

Letters



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Tham
Treasurer
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

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Under the Act, you have an opportunity to demonstrate that no action should be taken against your committee. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.



If you intend to be represented by counsel in this matter,
please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

cc: Louis Jenkins
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

79040134271



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom Cantrell
401 C Street, N.E.
Washington, D.C. 20002

RE: MUR 651

Dear Mr. Cantrell:

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Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

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-2-

If you intend to be represented by counsel in this matter,
please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

79040134273

3002-2

6cc# 90064

FEDERAL ELECTION
COMMISSION

'79 JAN 16 AM 10:24

P.O. Box 7725
Washington, D.C. 20044
January 10, 1979Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

MUR651

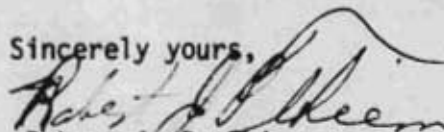
Gentlemen:

On July 13, 1978, I filed a complaint with the Commission alleging possible violations of the Federal Election Campaign Act by Louis "Woody" Jenkins, a candidate for the Democratic nomination for the U.S. Senate in Louisiana, and/or Richard A. Viguerie, a Virginia-based fundraiser.

I am curious to find out whether any further action has been taken on this complaint. Can you advise me of its current status?

Thank you for your assistance.

Sincerely yours,


Robert J. P. Thiem

RJPT:esr

79040134274

Robert J. P. Thiem
P.O. Box 7725
Washington, D.C. 20044



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Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

60-5870

LAW OFFICES

BARNETT, ALAGIA & CAREY

1827 K STREET, N.W.

WASHINGTON, D. C. 20006

TELEPHONE/TELECOPIER (202) 786-6672

CABLE ALL OFFICES ALBAR

December 13, 1978

D. PAUL ALAGIA, JR.
BERNARD H. BARNETT
WILLIAM A. CAREY
MARION EDWYN HARRISON
RICHARD A. GLADSTONE
ST. JOHN BARRETT

WILLIAM S. GLADING
JOHN M. HIMMELBERG
JOHN F. SHERLOCK III

RUFUS E. WILSON
OF COUNSEL

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BOX 1178
LOUISVILLE, KENTUCKY 40201
TELEPHONE/TELECOPIER (502) 586-4131

BARNETT, ALAGIA & PROSPERI
248 ROYAL PALM WAY
PALM BEACH, FLORIDA 33480
TELEPHONE/ TELECOPIER (305) 832-6696

BY HAND

William C. Oldaker, Esquire
General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: Jenkins for Senate Committee
MUR #651

Dear Mr. Oldaker:

As Mr. Duane Brown informed you on Thursday, December 7, we represent the Jenkins for Senate Committee, ("Committee"), One American Place, Suite 1023, Baton Rouge, Louisiana 70825.

The following chronology is significant.

Under date of July 13, 1978, Mr. Robert J. P. Thiem, an employee of the New Leadership Fund, who has no home address save a postal box and no home telephone number, purporting to complain without instigation by his employer, filed a sworn complaint the gist of which is that somebody invited him to a fund raising dinner using stationery of our client, without inclusion of the language required for fund solicitation by the provisions of 2 USC §435(b).

Under date of August 2, the Federal Election Commission ("FEC") wrote one of its form "reason to believe" letters to the candidate, State Representative Louis Jenkins, and not to the Committee.

Under date of August 15, 1978, Robert W. Stratton, Esquire, Counsel for the Committee, responded substantively.

Under date of September 29 - after a lapse of approximately six weeks - FEC directed Questions Rogatory not to the Committee but personally to Mr. Jenkins.

79040134276

BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
December 13, 1978
Page two

Under date of October 2, you wrote Mr. Stratton referring to ". . . an order requiring the Jenkins for Senate Committee to submit written answers . . ." but enclosing not questions to the Committee but the foregoing September 29 questions to Mr. Jenkins.

Under date of October 12, Mr. Jenkins submitted his sworn answers to the questions directed to the Committee which you requested him to answer.

Under date of November 29 - after another lapse of approximately six weeks - FEC directed Questions Rogatory to Mr. Stratton, Finance Chairman of the Committee; to Mr. Michael Tham, Treasurer of the Committee; and to Mr. Daniel W. Richey, Chairman of the Committee. FEC also directed a subpoena duces tecum to Mr. Richey.

Under date of December 1, you transmitted each of FEC's November 29 directives to the appropriate addressee.

On December 4 and 5, the foregoing December 1 communications were received.

On December 5, Mr. Jenkins telephoned me and on behalf of the Committee orally retained this firm. On the same date he also caused to be mailed to me three sets of documents, including the records in MUR #651 and draft answers.

On December 7, one of the three packets arrived. I telephoned Mr. Brown; advised him of our representation; advised him that only one of three packets had been received and that I was leaving in a few minutes on a business trip to Atlanta, from which I would return on Saturday afternoon, December 9. I also asked Mr. Brown for an extension of time of preferably 30 days and at least until December 13 for the following rather obvious reasons.

(a) I was about to leave on a business trip which I could not cancel to attend the annual meeting of a major client.

(b) Mr. Jenkins had gone to Memphis to attend the Democratic Midterm Conference.

29040134277

BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
December 13, 1978
Page three

(c) Two of the three packets of data had not arrived.

(d) There was - and is - absolutely no urgency in the matter. MUR #651 relates to a primary long since past. FEC itself twice has consumed approximately six weeks to respond. Mr. Brown advised me that he consulted with you; that you declined to grant an extension beyond Monday, December 11; and that if the responses were not received by Wednesday, December 13, the United States Attorney would appear in court in Baton Rouge to seek an order directing compliance (inasmuch as FEC questions rogatory and FEC subpoenas are not self enforcing). I expressed my concern at the lack of professional accommodation and further noted that, allowing for mails, dockets and schedules, the United States District Court in Baton Rouge would likely hear the matter some time in 1979. In short, I am unimpressed by a sophomoric threat. In view of the fact we represent a number of clients in FEC matters and respond timely, this type of treatment is unacceptable.

So much for chronology.

The difficulty with FEC's approach to this inconsequential matter - raised by an individual who has no stationery, no home address and no home telephone number - is that FEC has not asked our client to investigate the matter but instead has relied upon a series of formal questions, inartfully phrased, answers to which are unlikely to be helpful in resolving the mystery.

If we are to discover the truth, somebody obviously needs to investigate.

Accordingly, I requested Mr. Jenkins to undertake an investigation lest both FEC and each other person brought in to this matter continue to waste his time.

9040134278

BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
December 13, 1978
Page four

State Representative Louis (Woody) Jenkins now advises me that he personally has investigated the issuance of the invitational letter in question and also the sponsorship of the July 13 letter.

1. The dinner was hosted by Mr. Richard A. Viguerie, in his home, with perhaps 25 persons in attendance, and, upon information and belief, paid for exclusively by Mr. Viguerie from his personal funds.

2. Mr. Jenkins, due to be in Washington to call on congressional personnel and others, accepted Mr. Viguerie's oral invitation to attend and attended.

3. During the campaign Mr. Jenkins attended some 750 events - including dinners, cocktail parties, meetings and the like. This dinner, among many others, was a private social event. No funds were solicited at the dinner. Mr. Jenkins' personal records show that 12 guests contributed a total of \$625.00 to Mr. Jenkins during the dinner. He turned these contributions over to the Committee, together with many other contributions similarly received, and without attribution as to the physical source of their donation.

4. The questioned letter was mailed from Northern Virginia - without Mr. Jenkins' knowledge, approval or ratification, and without the knowledge, approval or ratification of the Committee - by an employee or employees of Mr. Tom Cantrell (401 C Street, N.E., Washington, D. C. 20002, 202-546-2240), whose former business telephone number appears on the letter. Mr. Cantrell has informed Mr. Jenkins that he or his employee gratuitously telephoned the Committee, asked for and received stationery and envelopes. He has no recollection of the name, identification or employee/volunteer status of the person with whom he talked. One notes that the letter misspells Mr. Jenkins' Christian name and the situs of the dinner.

5. Mr. Cantrell at no time was an agent or employee of the Committee. He is an acquaintance, and presumably was a supporter, of Mr. Jenkins' senatorial candidacy. On or about February 3, 1978, Mr. Jenkins and Mr. Cantrell informally had agreed that Mr. Cantrell might raise funds for

100-401134272

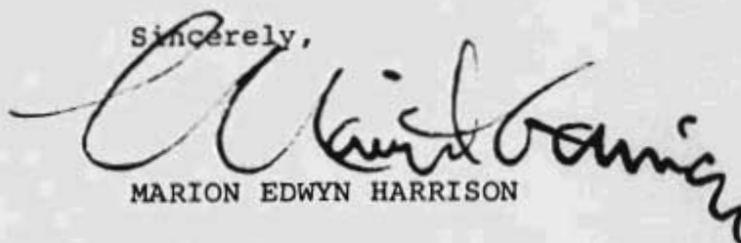
BARNETT, ALAGIA & CAREY

William C. Oldaker, Esquire
December 13, 1978
Page five

the campaign, to be compensated on a contingent basis. However, Mr. Cantrell raised no funds. Mr. Cantrell, on his own initiative and in an attempt to be helpful, conceived and executed the idea of mailing some invitational letters. He shares his idea with nobody connected with the Committee or the campaign. Mr. Cantrell was unfamiliar with the requirement of 2 USC §435(b) and solicited no advice in regard to the mailing, which was solely his independent effort as a citizen to stimulate some participation in the small, private dinner hosted by Mr. Richard A. Viguerie at Mr. Viguerie's personal expense. Mr. Cantrell evidently sent out only a small number of his invitational letters. He obviously did not check the spelling either of the candidate's name or of the locale of the dinner. FEC is free to communicate with Mr. Cantrell but it seems undeniable that his effort was unsponsored, independent and well motivated.

FEC should close the file on MUR #651.

Sincerely,



MARION EDWYN HARRISON

MEH:kg
cc The Honorable Joan D. Aikens
Duane A. Brown, Esquire
Jenkins for Senate Committee

Answers of the Jenkins for Senate Committee to Questions

Rogatory dated November 29, 1978: received December 5, 1978.

1. The Jenkins for Senate Committee did not authorize the mailing and does not know the identity of the person responsible.
2. Stationery and envelopes were kept in stock at headquarters for use. When they were used, our policy was that the following language was printed or typed on the stationery. "Paid for and authorized by the Jenkins for Senate Committee, Mike Tham, Treasurer. A copy of our report is on file and can be purchased from the Federal Election Commission, Washington, D.C." The Committee as a fact does not know how the person(s) responsible for the mailing obtained the stationery.
3. As to characterization of the dinner as a "fundraiser" see Answers of Mr. R. W. Stratton, filed herewith. As to identification of payments, see Answers of Mr. Michael Tham, filed herewith.

Jenkins for Senate Committee

By

Daniel W. Richey
Daniel W. Richey, Chairman

State of Louisiana
Parish of East Baton Rouge

Subscribed and sworn to before me this 12th day of December, 1978 in the state and parish aforesaid

Daniel G. Galt
Notary public

My commission expires: *at death*

79040134281

Answers of Daniel W. Richey to Questions Rogatory dated
November 29, 1978: received December 4, 1978.

1. Neither the Jenkins for Senate Committee nor I authorized the mailing and does not know the identity of the person responsible.
2. Stationery and envelopes were kept in stock at headquarters for use. When they were used, our policy was that the following language was printed or typed on the stationery. "Paid for and authorized by the Jenkins for Senate Committee, Mike Tham, Treasurer. A copy of our report is on file and can be purchased from the Federal Election Commission, Washington, D.C." The Committee as a fact does not know how the person(s) responsible for the mailing obtained the stationery.
3. As to characterization of the dinner as a "fundraiser" see Answers of Mr. R. W. Stratton, filed herewith. As to identification of payments, see Answers of Mr. Michael Tham, filed herewith.

D. W. Richey
Daniel W. Richey, Chairman
Jenkins for Senate Committee

State of Louisiana
Parish of East Baton Rouge

Subscribed and sworn to before me this 12th day of December, 1978 in the state and parish aforesaid

Diane Dub
Notary public

My commission expires: *at death*

79040134282

Answers of Daniel W. Richey to subpoena duces tecum dated
November 29, 1978; received December 4, 1978.

1. No such writing exists or ever has existed.
2. No such writing exists or ever has existed.
3. No such writing exists or ever has existed.
4. No such writing exists or ever has existed.

5. No such writing exists or ever has existed. No payments of any sort were made by the Jenkins for Senate Committee to Richard Viguerie. The Jenkins for Senate Committee did contract with the Richard A. Viguerie Co., Inc. only for certain direct mail services. Payments to Richard A. Viguerie Co., Inc. during the course of the campaign did not pertain to the event of July 13, 1978. No writing exists or ever has existed relating to said July 13, 1978, dinner.

dis. v. p.
Daniel W. Richey, Chairman
Jenkins for Senate Committee

State of Louisiana
Parish of East Baton Rouge

Subscribed and sworn to before me this 12th day of December,
1978 in the state and parish aforesaid

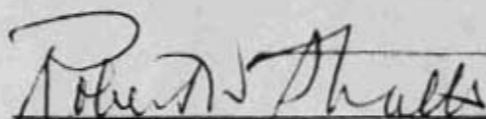
Dis. v. p.
Notary public

My commission expires: *at death*

79040134283

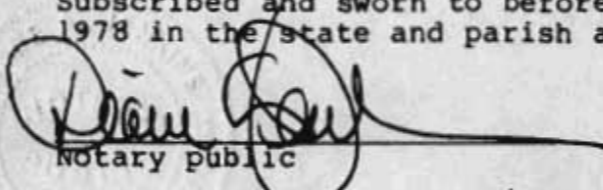
Answers of Robert W. Stratton to Questions Rogatory dated
November 29, 1978: received December 4, 1978.

1. I do not know.
2. I have no such knowledge.
3. (1) The event was not a fundraiser. As finance chairman of the Jenkins for Senate Committee, I authorized, planned, and coordinated all fundraisers, each of which was held within the state of Louisiana. I had no prior knowledge of said event.
(2) See Answers of Mr. Michael Tham, filed herewith.
4. See Answers of Mr. Michael Tham, filed herewith.


Robert W. Stratton, Finance Chairman
Jenkins for Senate Committee

State of Louisiana
Parish of East Baton Rouge

Subscribed and sworn to before me this 12th day of December,
1978 in the state and parish aforesaid

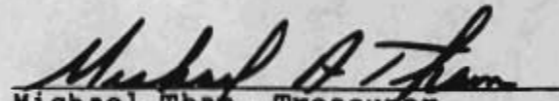

Notary public

My commission expires: *at death*

79040134284

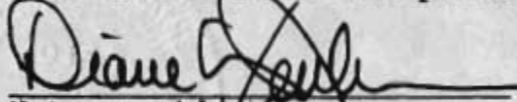
Answers of Michael Tham to Questions Rogatory dated
November 29, 1978: received December 4, 1978.

1. I do not know.
2. I have no such knowledge.
3. The records of neither the Jenkins for Senate Committee nor of the treasurer thereof reflect any contribution received at said event inasmuch as said event was not considered a fundraiser.
4. (1) Said committee has made no payment to Mr. Richard Viguerie.
(2) No payment to Richard A. Viguerie Co., Inc., relates to said event. The listing of "payments" in the question is not an accurate reflection of our "expenditures" as listed in our campaign finance report filed with the Federal Election Commission.


Michael Tham, Treasurer
Jenkins for Senate Committee

State of Louisiana
Parish of East Baton Rouge

Subscribed and sworn to before me this 12th day of December,
1978 in the State and parish aforesaid


Notary public

My commission expires: *at death*

79040134285



FEDERAL ELECTION COMMISSION

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

December 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Tham
Treasurer
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Tham:

In furtherance of its investigation in the above-referenced matter, the Federal Election Commission has enclosed an order requiring you to submit written answers to the attached questions rogatory.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over a large, stylized flourish.

William C. Oldaker
General Counsel

Enclosures

1. Order
2. Questions Rogatory

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for Senate) RE: MUR 651
Committee)

ORDER

TO: Michael A. Tham
Treasurer, Jenkins For Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

79040134287
PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within five (5) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, 29th day of November, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Questions Rogatory

1. If the Jenkins for Senate Committee did not authorize the mailing complained of in this matter, please state the name, address and telephone number(s) of the person(s) believed to be responsible?
2. Representative Louis Jenkins has stated in his sworn response to the Commission's original order, that the letterhead stationery and the envelope accompanying it (a copy of each is attached) are the same stationery used by the Jenkins for Senate Committee. Therefore, please explain fully as to how the stationery and envelope were obtained?
3. Since Representative Jenkins did attend the fundraiser of July 13, 1978 which is the subject of the invitation in question, please list the total amount of contributions received, either by the Jenkins for Senate Committee or by Mr. Jenkins or any representative on behalf of the Committee?
4. Please explain fully the purpose(s) of the payments to Richard Viguerie on the following dates and in the following amounts. Specify which, if any payment pertained to the fundraiser of July 13, 1978 which is the subject of the invitation in question?

PAYMENTS TO RICHARD A. VIGUERIE CO.

April 10, 1978	\$ 7900.00
May 31 through August 31, 1978	\$ 4991.57
	\$ 15,290.31
September 1 through 30, 1978	\$ 20,281.88

79040134283



FEDERAL ELECTION COMMISSION

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

December 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert Stratton
Finance Chairman
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Stratton:

In furtherance of its investigation in the above-referenced matter, the Federal Election Commission has enclosed an order requiring you to submit written answers to the attached questions rogatory.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202)534-4000.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

Enclosures

1. Order
2. Questions Rogatory

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for Senate) RE: MUR 651
Committee)

ORDER

TO: Robert Stratton
Finance Chairman, Jenkins For Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

79040134290
PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within five (5) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, 29th day of November, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Questions Rogatory

1. If the Jenkins for Senate Committee did not authorize the mailing complained of in this matter, please state the name, address and telephone number(s) of the person(s) believed to be responsible?
2. Representative Louis Jenkins has stated in his sworn response to the Commission's original order, that the letterhead stationery and the envelope accompanying it (a copy of each is attached) are the same stationery used by the Jenkins for Senate Committee. Therefore, please explain fully as to how the stationery and envelope were obtained?
3. Since Representative Jenkins did attend the fundraiser of July 13, 1978 which is the subject of the invitation in question, please list the total amount of contributions received, either by the Jenkins for Senate Committee or by Mr. Jenkins or any representative on behalf of the Committee?
4. Please explain fully the purpose(s) of the payments to Richard Viguerie on the following dates and in the following amounts. Specify which, if any payment pertained to the fundraiser of July 13, 1978 which is the subject of the invitation in question?

PAYMENTS TO RICHARD A. VIGUERIE CO.

April 10, 1978	\$ 7900.00
May 31 through August 31, 1978	\$ 4991.57
	\$ 15,290.31
September 1 through 30, 1978	\$ 20,281.88

79040134291



FEDERAL ELECTION COMMISSION

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

December 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Sir/Madam:

In furtherance of its investigation in the above-referenced matter, the Federal Election Commission has enclosed an order requiring the appropriate representative of the committee to submit written answers to the attached questions rogatory.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

William C. Oldaker
General Counsel

1. The following service is requested (check one):
☒ Show to whom and date delivered.
☐ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
☐ Show to whom and date delivered.
☐ RESTRICTED DELIVERY
☐ Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Jenkins for Senate Com.
Baton Rouge, La 70825

3. ARTICLE DESCRIPTION:
REGISTERED NO. *99105* CERTIFIED NO. INSURED NO.

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE *William C. Oldaker* ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY *DEC 5 1978*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

PS Form 3811, Apr. 1977

79040134293

ORDER

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders the Committee to provide the appropriate person(s) to submit written answers to the attached interrogatories. The answers must be submitted under oath, within five (5) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

Joan D. Aikens
Chairman

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Questions Rogatory

1. If the Jenkins for Senate Committee did not authorize the mailing complained of in this matter, please state the name, address and telephone number(s) of the person(s) believed to be responsible?
2. Representative Louis Jenkins has stated in his sworn response to the Commission's original order, that the letterhead stationery and the envelope accompanying it (a copy of each is attached) are the same stationery used by the Jenkins for Senate Committee. Therefore, please explain fully as to how the stationery and envelope were obtained?
3. Please explain fully the purpose(s) of the payments to Richard Viguerie on the following dates and in the following amounts. Specify which, if any payment pertained to the fundraiser of July 13, 1978 which is the subject of the invitation in question?

PAYMENTS TO RICHARD A. VIGUERIE CO.

April 10, 1978	\$ 7900.00
May 31 through August 31, 1978	\$ 4991.57
	\$ 15,290.31
September 1 through 30, 1978	\$ 20,281.88

79040134294



FEDERAL ELECTION COMMISSION

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

December 1, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dan Richey
Chairman
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Richey:

In furtherance of its investigation in the above-referenced matter, the Federal Election Commission has enclosed an order requiring you to submit written answers to the attached questions rogatory. In addition, the Commission has enclosed a subpoena requiring you or the appropriate person(s) having custody of the documents described on the attached list to forward copies of said documents to the Office of General Counsel, Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, within five days of your receipt of this letter.

If you have any questions, please contact Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the word "Sincerely,".

William C. Oldaker
General Counsel

Enclosures

1. Order
2. Questions Rogatory
3. Subpoena

664134295

MURKIN- D. Brown

PS Form 3811, Apr 1977 RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered _____
☒ Show to whom, date, and address of delivery _____
☐ RESTRICTED DELIVERY
☐ Show to whom and date delivered _____
☐ RESTRICTED DELIVERY
☐ Show to whom, date, and address of delivery \$ _____
 (CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO
Dear Mr. Hargis
Beiton Ridge, La. 7022

3. ARTICLE DESCRIPTION
 REGISTERED NO. _____ CERTIFIED NO. *947106* INSURED NO. _____
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY _____ POSTMARK _____

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE _____ CLERK'S INITIALS _____

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for Senate) RE: MUR 651
Committee)

ORDER

TO: Dan Richey
Chairman, Jenkins For Senate Committee
One America Place
Suite 1023
Baton Rouge, Louisiana 70825

79040134297
PURSUANT to the authority set forth in Section 437d(a)(1)
of Title 2, United States Code, and in furtherance of its
investigation in the above-captioned matter, the Federal Election
Commission hereby orders you to submit written answers to the
attached interrogatories. The answers must be submitted under
oath, within five (5) days of your receipt of this Order, to the
Federal Election Commission, 1325 K Street, N.W., Washington, D.C.
20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has
hereunto set her hand at Washington, D.C., on this, 29th day
of November, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Questions Rogatory

1. If the Jenkins for Senate Committee did not authorize the mailing complained of in this matter, please state the name, address and telephone number(s) of the person(s) believed to be responsible?
2. Representative Louis Jenkins has stated in his sworn response to the Commission's original order, that the letterhead stationery and the envelope accompanying it (a copy of each is attached) are the same stationery used by the Jenkins for Senate Committee. Therefore, please explain fully as to how the stationery and envelope were obtained?
3. Please explain fully the purpose(s) of the payments to Richard Viguerie on the following dates and in the following amounts. Specify which, if any payment pertained to the fundraiser of July 13, 1978 which is the subject of the invitation in question?

PAYMENTS TO RICHARD A. VIGUERIE CO.

April 10, 1978	\$ 7900.00
May 31 through August 31, 1978	\$ 4991.57
	\$ 15,290.31
September 1. through 30, 1978	\$ 20,281.88

79040134298

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

SUBPOENA

TO: Dan Richey
Chairman
Jenkins for Senate Committee
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

79040134299
At the instance of the Federal Election Commission,
pursuant to its powers set forth in 2 U.S.C. §437d(a)(3),
you or the officer, member, employee, managing agent, or other
person associated with the Jenkins for Senate Committee having
custody of the documents described on the attached list is
hereby subpoenaed to forward true and exact copies of said
documents to the Office of the General Counsel, Federal Election
Commission, 1325 K Street, N.W., Washington, D.C. 20463, within
five (5) days of your receipt of this subpoena.

WHEREFORE, the Chairman of the Federal Election Commission
has hereunto set her hand at Washington, D.C. this 29th day
of November, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Please produce in their entirety copies of the following:

1. All documents and materials which relate, refer, or pertain to communications between the Jenkins for Senate Committee and Richard Viguerie in connection with the fundraiser of July 13, 1978 which is the subject of the invitation in question.
2. All documents and materials which relate, refer or pertain to communications between Dan Richey, Chairman of the Jenkins for Senate Committee and Richard Viguerie in connection with the fundraiser of July 13, 1978 which is the subject of the invitation in question.
3. All documents and materials which relate, refer, or pertain to communications between Michael A. Tham, Treasurer of the Jenkins for Senate Committee and Richard Viguerie in connection with the fundraiser of July 13, 1978 which is the subject of the invitation in question.
4. All documents and materials which relate, refer, or pertain to communications between Robert Stratton, Finance Chairman of the Jenkins for Senate Committee and Richard Viguerie in connection with the fundraiser of July 13, 1978 which is the subject of the invitation in question.
5. All documents and materials which relate, refer or pertain to any agreement or understanding, contractual or otherwise, between Richard Viguerie and representatives of the Jenkins for Senate Committee leading to Mr. Viguerie's participation in the fundraising and solicitation efforts of the Committee, before and during the campaign.

79040134300

As used in this subpoena, the following terms are defined as follows:

1. "Documents and materials" includes but is not limited to letters, minutes, memoranda, records, reports, notes, agendas, articles, electronic recordings, financial statements, account statements, billing forms and statements, receipts, checks and solicitation materials.
2. All references to "your committee" with respect to each of the requests enumerated herein, include all persons, subcommittees, and bodies authorized to conduct business on behalf of your committee.
3. All references to "representatives" with respect to each of the requests enumerated herein, includes but is not limited to officers, employees, members or agents.

79040134301

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for Senate Committee) MUR 651 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on November 28, 1978, the Commission approved by a vote of 6-0 the issuance of the proposed orders and subpoena, attached to the General Counsel's memorandum dated November 24, 1978, to the following:

Orders

Jenkins for Senate Committee
Dan Richey
Michael A. Tham
Robert W. Stratton

Subpoena

Dan Richey

Attest:

11/28/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 11-24-78, 10:53
Circulated on 48 hour vote basis: 11-24-78, 3:00

79040134302



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
DATE: NOVEMBER 29, 1978
SUBJECT: ORDERS (4) and SUBPOENA (1) IN RELATION
TO MUR 651

The attached subpoena and orders, approved
November 28, 1978, have been signed and sealed this
date.

ATTACHMENT:

Subpoena (1) Richey
Orders (4) Jenkins for Senate Committee,
Dan Richey, Michael Tham,
Robert Stratton,

7904013430

November 22, 1978

MEMORANDUM TO: Marge Emmons
FROM: Eliisa T. Carr
SUBJECT: MUR 651

Please have the attached Memo distributed to the
Commission on a 48 hour tally basis.

Thank-you.

79040134304



FEDERAL ELECTION COMMISSION

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

78 NOV 24 A10: 53

November 24, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker *[Signature]*

RE: MUR 651(78) Jenkins for Senate Committee

Please find attached a proposed order and subpoena requiring the respondent to answer questions and produce documents in furtherance of our investigation of this matter, under the authority provided in 2 U.S.C. §437d (a)(1) and (3).

79040134305



FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE ORDER TO FACILITATE
THE INVESTIGATION OF
THE JENKINS FOR SENATE COMMITTEE

The Commission hereby authorizes this order to
be issued to Robert W. Stratton, Finance Chairman for
the Jenkins for Senate Committee.

ADDRESS: One American Place
Suite 1023
Baton Rouge, Louisiana 70825

Joan D. Aikens,
Chairman

William L. Springer,
Commissioner

Robert O. Tiernan,
Vice Chairman

John W. McGarry,
Commissioner

Thomas E. Harris,
Commissioner

Vernon W. Thomson,
Commissioner

29040134306



FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE ORDER TO FACILITATE
THE INVESTIGATION OF
THE JENKINS FOR SENATE COMMITTEE

The Commission hereby authorizes this order to
be issued to Michael A. Tham, Treasurer for the Jenkins
for Senate Committee.

ADDRESS: One American Place
Suite 1023
Baton Rouge, Louisiana 70825

Joan D. Aikens,
Chairman

William L. Springer,
Commissioner

Robert O. Tiernan,
Vice Chairman

John W. McGarry,
Commissioner

Thomas E. Harris,
Commissioner

Vernon W. Thomson,
Commissioner

79040134307



FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE ORDER TO FACILITATE
THE INVESTIGATION OF
THE JENKINS FOR SENATE COMMITTEE

The Commission hereby authorizes this order to
be issued to Dan Richey, Chairman for the Jenkins for
Senate Committee.

ADDRESS: One American Place
Suite 1023
Baton Rouge, Louisiana 70825

Joan D. Aikens,
Chairman

William L. Springer,
Commissioner

Robert O. Tiernan,
Vice Chairman

John W. McGarry,
Commissioner

Thomas E. Harris,
Commissioner

Vernon W. Thomson,
Commissioner

79040134308



FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE ORDER TO FACILITATE THE INVESTIGATION OF THE JENKINS FOR SENATE COMMITTEE

The Commission hereby authorizes this order to
be issued to the Jenkins for Senate Committee.

ADDRESS: One American Place
Suite 1023
Baton Rouge, Louisiana 70825

Joan D. Aikens,
Chairman

William L. Springer,
Commissioner

Robert O. Tiernan,
Vice Chairman

John W. McGarry,
Commissioner

Thomas E. Harris,
Commissioner

Vernon W. Thomson,
Commissioner



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO

CHARLES STEELE

FROM:

MARJORIE W. EMMONS

Marjorie W. Emons

DATE:

NOVEMBER 22, 1978

SUBJECT:

MUR 651 - Interim Report dated 11-20-78
Received in OCS: 11-21-78, 10:07

The above-named document was circulated on a 24 hour no-objection basis at 3:00, November 21, 1978.

The Commission Secretary's Office has received no objections to the Interim Report as of 4:00 this date.

79040134310

November 21, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 651

Please have the attached Interim Report on MUR 651
distributed to the Commission.

Thank you.

79040134311

RECEIVED
OFFICE OF THE

BEFORE THE FEDERAL ELECTION COMMISSION

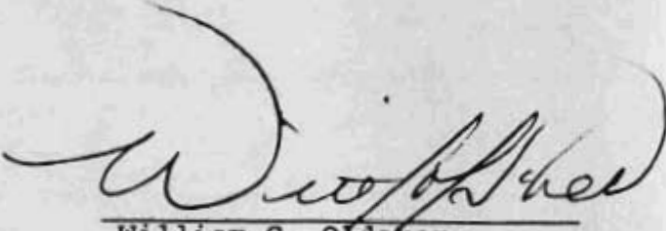
78 NOV 21 AIO: 07

In the Matter of)
Jenkins for Senate) MUR 651
Committee)

INTERIM REPORT

On September 29, 1978, the Commission issued an order to answer certain questions in furtherance of its investigation of a possible violation of 2 U.S.C. §435(b) by the Jenkins for Senate Committee. Several key questions remain unanswered. Therefore, the Office of General Counsel staff is now preparing additional orders and questions to be served on officers of the Jenkins for Senate Committee.

11/20/78
Date


William C. Oldaker
General Counsel

In the Matter of

78 OCT 23 PM 3:24

RE: MUR 651

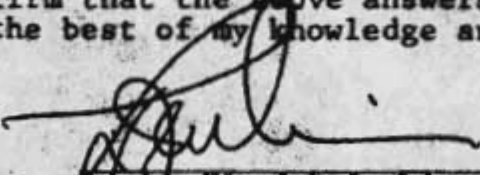
Louis Jenkins for U. S.
Senate Committee (sic)

Pursuant to an order of the Federal Election Commission,
now comes State Rep. Louis (Woody) Jenkins who does submit
the following answers to the interrogatories of the Commission:

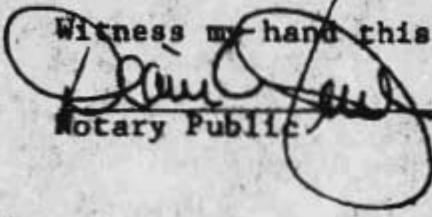
- "1. I do not know.
2. Yes.
3. Yes.
4. I do not know.
5. Yes.
6. Yes.
7. --
8. Robert Stratton, One American Place, Baton Rouge,
La. 70825. (504) 383-6226. Robert Stratton was
finance chairman of the campaign.

I am not an officer or member of the Jenkins for Senate
Committee.

I hereby affirm that the above answers are true and
correct to the best of my knowledge and belief."


Louis (Woody) Jenkins

Witness my hand this 12th day of October, 1978.


Notary Public

79040134313

LOUIS (Woody) JENKINS

State Representative
District 66

Box 52889
Baton Rouge, LA 70805

Printed at
Taxpayers Expense



'78 OCT 23 PM 3:24

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

Attention: Office of the General Counsel





FEDERAL ELECTION COMMISSION

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

October 2, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert W. Stratton, Esq.
1080 Main Street
Baker, Louisiana 70714

RE: MUR 651

Dear Mr. Stratton:

Thank you for your letter of August 15, 1978, in response to the Federal Election Commission's reason to believe finding. The Commission has determined that several key questions remain unanswered and have therefore enclosed an order requiring the Jenkins for Senate Committee to submit written answers to the attached questions rogatory.

If you have any questions, please contact Duane Brown, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

William C. Oldaker
General Counsel

Enclosures

1. Order
2. Questions

151 D. Brown

1. ARTICLE DESCRIPTION: REGISTERED NO. 913469 CERTIFIED NO. INSURED NO.		2. ARTICLE ADDRESSED TO: Robert W. Stratton	
3. I have received the article described above. SIGNATURE [Signature] DATE OF DELIVERY [Date]		4. UNABLE TO DELIVER BECAUSE:	
5. ADDRESS/Complete only if requested		6. SENDER: Complete items 1, 2 and 3 Add your address in the RETURN TO: space on reverse	
7. The following service is requested (check one): ☐ Show to whom, date, and address of delivery. ☒ RESTRICTED DELIVERY Show to whom and date delivered. ☐ RESTRICTED DELIVERY Show to whom, date, and address of delivery. \$_____ (CONSULT POSTMASTER FOR FEES)		8. RETURN TO: space on reverse	

U.S. POSTAGE 1977-0-248-595

7 0 4 0 1 3 4 3 1 6

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

In the Matter of)
)
)
Louis Jenkins for U.S.) RE: MUR 651
Senate Committee)

ORDER

TO: Louis Jenkins
One American Place
Suite 1023
Baton Rouge, Louisiana 70875

PURSUANT to the authority set forth in Section 437d(a)(1) of Title 2, United States Code, and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the attached interrogatories. The answers must be submitted under oath, within ten (10) days of your receipt of this Order, to the Federal Election Commission, 1325 K Street, N.W., Washington, D.C. 20463, Attention: Office of the General Counsel.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set her hand at Washington, D.C., on this, the *29th* day of *Sept.*, 1978.

Joan D. Aikens
Joan D. Aikens
Chairman

ATTEST:

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

7 9 0 4 0 1 3 4 3 1 7

INTERROGATORIES TO LOUIS JENKINS

RE: MUR 651

1. If the Jenkins for Senate Committee did not authorize the mailing complained of in this matter, please state the name, address and telephone number(s) of the person(s) believed to be responsible?
2. Please state whether or not the letterhead stationery used in the mailing in question (a copy of which is attached) is the same stationery used by the Jenkins for Senate Committee?
3. Please state whether or not the envelope (a copy of which is attached) used in the mailing in question is the envelope used by the Jenkins for Senate Committee in its mailings?
4. If the answer to No. 2 and 3 is yes, please explain fully as to how the stationery and envelope were obtained?
5. Was Louis Jenkins, his staff, or the Jenkins for Senate Committee contacted with respect to the fundraiser of July 13, 1978 held by Richard Viguerie?
6. Did Louis Jenkins and/or his wife attend the fundraiser of July 13, 1978 which was the subject of the invitation in question?
7. If the answer to question 6 is no, did anyone representing Louis Jenkins attend the fundraiser?
8. List the names, addresses and telephone numbers of any persons on Louis Jenkins' staff or on the Jenkins for Senate Committee staff who had knowledge of or who coordinated in the organizing of the fundraiser of July 13, 1978.

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
Jenkins For Senate Committee)

MUR 651

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 25, 1978, the Commission determined by a vote of 6-0 to approve the proposed order requiring the respondent to answer questions which was attached to the General Counsel's memorandum dated September 21, 1978.

Attest:

9/25/78

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 10:35, 9-21-78
Circulated on 48 hour vote basis: 3:45, 9-21-78



Dear Friends:

You and a partner are cordially invited to attend a fund raising dinner in honor of Lewis "Woody" Jenkins, Democratic Candidate for the United States Senate from the state of Louisiana. He and his wife, Diane, will be at the home of Mr. Richard Viguerie, 6033 Crimson Court, McClean, Virginia on Thursday, July 13, 1978 from 7:30 to 9:00 p.m.

In order to help Woody defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function.

Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"

79040134319

29040134320

JENNINS
United States Senate

SUITE 1023 ONE AMERICAN PLACE
BATON ROUGE, LOUISIANA 70825



Mr. Steve Livengood
New Leadership Fund
800 18th Street NW
Washington, DC 20006

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
Jenkins For Senate Committee) MUR 651

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 25, 1978, the Commission determined by a vote of 6-0 to approve the proposed order requiring the respondent to answer questions which was attached to the General Counsel's memorandum dated September 21, 1978.

Attest:

9/25/78
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 10:35, 9-21-78
Circulated on 48 hour vote basis: 3:45, 9-21-78



FEDERAL ELECTION COMMISSION

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

MEMORANDUM TO; CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: SEPTEMBER 29, 1978
SUBJECT: Order in Relation to MUR 651

The attached order, approved September 25, 1978,
has been signed and sealed this date.

ATTACHMENT:
Order - Jenkins

79040134322

September 21, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 651

Please have the attached Memo to the Commission
distributed on a 48 hour tally basis.

Thank you.

79040134323



FEDERAL ELECTION COMMISSION

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

September 21, 1978

MEMORANDUM

TO: THE COMMISSION
FROM: WILLIAM C. OLDAKER *W. C. Oldaker*
RE: JENKINS FOR SENATE COMMITTEE (MUR 651)

Please find attached a proposed order requiring the respondent to answer questions in furtherance of our investigation of this matter, under the authority provided in 2 U.S.C. §437d(a)(1).

79040134324



FEDERAL ELECTION COMMISSION

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

AUTHORIZATION TO ISSUE ORDER TO FACILITATE
THE INVESTIGATION OF
THE LOUIS JENKINS FOR U.S. SENATE COMMITTEE

The Commission hereby authorizes this order to be issued to Robert W. Stratton, Counsel for the Jenkins for Senate Committee.

ADDRESS: 1080 Main Street
Baker, Louisiana 70714

Joan D. Aikens,
Chairman

William L. Springer,
Commissioner

Robert O. Tiernan,
Vice Chairman

Neil O. Staebler
Commissioner

Thomas E. Harris,
Commissioner

Vernon W. Thomson,
Commissioner

79040134325

ROBERT W. STRATTON

ATTORNEY AT LAW

1080 MAIN STREET
BAKER, LOUISIANA
70714

775-8478
AREA CODE 504

RECEIVED
FEDERAL ELECTION
COMMISSION

18 AUG 22

AM. 11:20
Liberty, Miss.
OF COUNSEL

August 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

305562

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

Re: M U R 651

Dear Mr. Oldaker,

Your letter of August 2, 1978, regarding the above referenced
FEC complaint was received on August 7, 1978.

We strongly feel that no action should be taken against the
Jenkins for Senate Committee or against Rep. Louis Jenkins.

First, the letter complained of was not authorized by the
Jenkins for Senate Committee nor by Rep. Jenkins. It contained
two errors: "Lewis" and "McClean" were misspelled. Secondly,
the letter, which was apparently sent to a limited number of
acquaintances of Mr. Richard Viguerie, invited them to dinner
and requested a donation. It is submitted that it would not
be within the ambit of 2 U.S.C. Section 441d. Specifically,
it would not be defined to be "... direct mailing, or any
other type of general public advertising facility ..."
Therefore, in either instance, an attribution clause would not
be required. Similarly, a non-attribution clause would not be
required.

As to the disclaimer required under 2 U.S.C. Section 435 (b),
it is submitted that it also was not required on the letter in
question. Since it was not authorized by the Jenkins for Senate
Committee, it falls outside Section 435 (b), which mandates that
each political committee include the proper disclaimer. Here,
putting aside the question of whether a non-attribution clause
should have been included, there is no requirement that an
unauthorized solicitation contain a disclaimer. Secondly, it

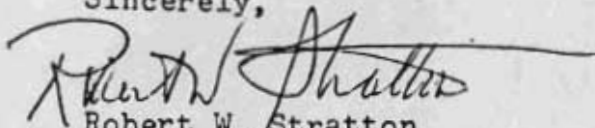
William C. Oldaker, Esq.
Re: MUR 651
Page 2

is submitted that Section 435 (b) would not apply to this singular letter because the letter would not come within the definition of "all literature and advertisements", nor does its language clearly lend itself to "... soliciting contributions..." Attendance is invited - a donation is requested. Certainly those not attending would not be compelled to make a donation. Furthermore, it is open to question whether those attending would be compelled to donate.

In support of my conclusion that this letter would not come within the definition of Section 435 (b), I submit the case of United States vs. Insko 496 F.2d204 (Ct. App., 5th Cir., 1974), which dealt with bumper stickers an unsuccessful candidate for Congress had printed. The bumper sticker contained his opponent's name along with the name of Senator George McGovern. The issue was whether 18 U.S.C.A. Section 612 (Former sections 608-617 of Title 18 now appear as new sections 441a-441j in Title 2) prescribed anonymous bumper stickers, i.e., was an attribution clause required. The Fifth Circuit found that Congress did not intend to sweep within the statutes coverage all campaign related writings not specifically enumerated, particularly since any other view would render meaningless the detailed recitation of specific terms.

Finally, we request that this investigation remain confidential in accordance with 2 U.S.C. Section 437 (a)(3)(B). If we may aid in this investigation or assist in any way, please feel free to request our help.

Sincerely,



Robert W. Stratton
Counsel for the Jenkins
for Senate Committee

RWS:sas

790400134327

Doc # 4612

ROBERT W. STRATTON

ATTORNEY AT LAW

1080 MAIN STREET
BAKER, LOUISIANA

70714

RECEIVED
FEDERAL ELECTION
COMMISSION

775-8478
AREA CODE 504

'78 AUG 22 11:30 AM
Liberty, Miss.
OF COURTESY

August 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

805562

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

Re: M U R 651

Dear Mr. Oldaker,

Your letter of August 2, 1978, regarding the above referenced
FEC complaint was received on August 7, 1978.

We strongly feel that no action should be taken against the
Jenkins for Senate Committee or against Rep. Louis Jenkins.

First, the letter complained of was not authorized by the
Jenkins for Senate Committee nor by Rep. Jenkins. It contained
two errors: "Lewis" and "McClellan" were misspelled. Secondly,
the letter, which was apparently sent to a limited number of
acquaintances of Mr. Richard Viguerie, invited them to dinner
and requested a donation. It is submitted that it would not
be within the ambit of 2 U.S.C. Section 441d. Specifically,
it would not be defined to be "... direct mailing, or any
other type of general public advertising facility ..."
Therefore, in either instance, an attribution clause would not
be required. Similarly, a non-attribution clause would not be
required.

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it is submitted that it also was not required on the letter in
question. Since it was not authorized by the Jenkins for Senate
Committee, it falls outside Section 435 (b), which mandates that
each political committee include the proper disclaimer. Here,
putting aside the question of whether a non-attribution clause
should have been included, there is no requirement that an
unauthorized solicitation contain a disclaimer. Secondly, it

79040134226

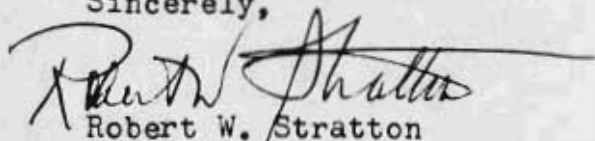
William C. Oldaker, Esq.
Re: MUR 651
Page 2

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In support of my conclusion that this letter would not come within the definition of Section 435 (b), I submit the case of United States vs. Insko 496 F.2d204 (Ct. App., 5th Cir., 1974), which dealt with bumper stickers an unsuccessful candidate for Congress had printed. The bumper sticker contained his opponent's name along with the name of Senator George McGovern. The issue was whether 18 U.S.C.A. Section 612 (Former sections 608-617 of Title 18 now appear as new sections 441a-441j in Title 2) proscribed anonymous bumper stickers, i.e., was an attribution clause required. The Fifth Circuit found that Congress did not intend to sweep within the statutes coverage all campaign related writings not specifically enumerated, particularly since any other view would render meaningless the detailed recitation of specific terms.

Finally, we request that this investigation remain confidential in accordance with 2 U.S.C. Section 437 (a)(3)(B). If we may aid in this investigation or assist in any way, please feel free to request our help.

Sincerely,



Robert W. Stratton
Counsel for the Jenkins
for Senate Committee

RWS:sas

79040134329

ROBERT W. STRATTON
Attorney At Law
1080 MAIN STREET
Baker, Louisiana 70714



AUG 22 AM 11:30

RETURN RECEIPT
REQUESTED

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

CERTIFIED

No. 162690

MAIL



FEDERAL ELECTION COMMISSION

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

August 2, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J. P. Thiem
P.O. Box 7725
Washington, D.C. 20044

Re: MUR 651

Dear Mr. Thiem:

The Federal Election Commission has completed a preliminary review of your complaint and has numbered it as MUR 651. Please refer to this number in any further correspondence.

A copy of your complaint has been forwarded to respondents. If you have any further information you wish to make available to the Commission, please submit it within five days of your receipt of this letter.

The Commission's enforcement procedures are set forth in 2 U.S.C. §437g. Please note that 2 U.S.C. §437g(a)(3)(B) prohibits any person from making public the fact of "any notification or investigation" by the Commission without the written consent of the respondent.

If you have any questions, please call Duane Brown, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

FEDERAL ELECTION COMMISSION

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

POSTAGE AND FEES PAID



UNCLAIMED
UNCLAIMED
Robert J. P. Adiem
P.O. Box 7725
Washington, D.C. 20044

CERTIFIED

943950

AUG - 6 1978

AUG 11 1978

5-30-78



✓
HUK 651-D. Brown

● SENDER Complete items 1, 2, and 3.
Add your address in the RETURN TO space on reverse

1 The following service is requested (check one).

☐ Show to whom and date delivered c

☒ Show to whom, date, and address of delivery c

☐ RESTRICTED DELIVERY

Show to whom and date delivered c

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery \$

☐ (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO

Robert P. Thum
P.O. Box 7725
Washington, D.C. 20044

3 ARTICLE DESCRIPTION

REGISTERED NO

CERTIFIED NO

INSURED NO

943950

— (Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

DATE OF DELIVERY

POSTMARK

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE:

CLERK'S
INITIALS

PS Form 3811, Apr. 1977

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

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

August 2, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J. P. Thiem
P.O. Box 7725
Washington, D.C. 20044

Re: MUR 651

Dear Mr. Thiem:

The Federal Election Commission has completed a preliminary review of your complaint and has numbered it as MUR 651. Please refer to this number in any further correspondence.

A copy of your complaint has been forwarded to respondents. If you have any further information you wish to make available to the Commission, please submit it within five days of your receipt of this letter.

The Commission's enforcement procedures are set forth in 2 U.S.C. §437g. Please note that 2 U.S.C. §437g(a)(3)(B) prohibits any person from making public the fact of "any notification or investigation" by the Commission without the written consent of the respondent.

If you have any questions, please call Duane Brown, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

79040134334



FEDERAL ELECTION COMMISSION

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

August 2, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Jenkins
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Jenkins:

The Federal Election Commission has received a complaint which alleges your committee committed certain violations 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 651. The Commission has reason to believe that the matters alleged in the complaint state a violation of 2 U.S.C. §435(b). Specifically, it appears that your committee conducted a mailing on behalf of your candidacy for the U.S. Senate, but failed to include the proper disclaimer as required by 2 U.S.C. §435(b) which states that a copy of your report is on file with the Federal Election Commission.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

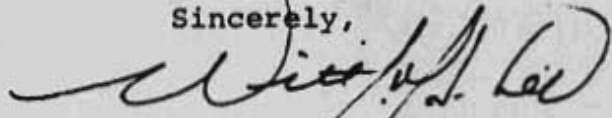
If you have any questions, please contact Duane Brown, the attorney assigned to this matter at (202) 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

-2-

If you intend to be represented by counsel in this matter,
please have such counsel so notify us in writing.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", written in a cursive style.

William C. Oldaker
General Counsel

Enclosure

P.O. Box 12518 PH 12:33
Washington, D.C. 20044
July 13, 1978

Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

Gentlemen:

Section 437g(a)(1) of the Federal Election Campaign Act (FECA) provides that "Any person who believes a violation of this Act...has occurred may file a complaint with the Commission."

It is my belief that a mailing done on behalf of the candidacy of Louis (misspelled "Lewis" in said mailing) "Woody" Jenkins, a candidate for the U.S. Senate in the Louisiana Democratic primary, is in violation of the FECA.

An original copy of this mailing is in my possession and was received by my place of employment, the New Leadership Fund -- a political action committee located at 800 18th St., NW, Washington, D.C. 20006 -- earlier this month. Xerox copies of that mailing and the envelope in which it was received are attached. I will be pleased to turn the original over to you should you request it.

The mailing requests recipients' attendance at a fund-raising affair on behalf of candidate Jenkins. It is printed on a piece of stationery of the Jenkins campaign. Nevertheless, it is my belief that this mailing fails to meet the specifications of the FECA.

If the mailing was done and paid for by Mr. Jenkins' principal campaign committee, the Jenkins for U.S. Senate Committee, the letter seems to violate Section 435(b) of the FECA, which provides that "Each political committee shall include on the face or front page of all literature and advertisements soliciting contributions the following notice: 'A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C.'"

Whether or not the mailing was authorized by Mr. Jenkins' principal campaign committee, it may also be in violation of FECA Section 441d, which governs "(p)ublication or distribution of political statements." If authorized, it is not completely clear from the mailing that this is the case, a probable violation of Section 441d(1). If unauthorized, it seems to be clearly in violation of Section 441d(2), which states that such communications must "state that the communication is not authorized by any candidate, and state the name of the person who made or financed the expenditure for the communication..."

In accordance with FEC Regulations, Section 111, I state that this complaint is not filed "on behalf of or at the request or suggestion of" any candidate. Nor was it instigated by my place of employment, the New Leadership Fund.

I do not presently have a home phone number, but I may be reached by telephone at my place of employment, at 202-638-7081.

I swear that to the best of my knowledge and belief the statements made above are true.

Sincerely yours,

Robert J. P. Thiem
Robert J. P. Thiem

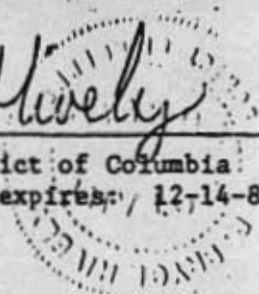
Att.
RJPT:esr

Subscribed and sworn to before me
on July 14, 1978.

R. Bruce Hively

Notary Public, District of Columbia

My commission expires: 12-14-80



79040134338

JENKINS

United States Senate



Dear Friends:

You and a partner are cordially invited to attend a fund raising dinner in honor of Lewis "Woody" Jenkins, Democratic Candidate for the United States Senate from the state of Louisiana. He and his wife, Diane, will be at the home of Mr. Richard Viguerie, 6033 Crimson Court, McClean, Virginia on Thursday, July 13, 1978 from 7:30 to 9:00 p.m.

In order to help Woody defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function.

Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"

79040134340

JENNINS
United States Senate

SUITE 1023 ONE AMERICAN PLACE
BATON ROUGE, LOUISIANA 70825

Mr. Steve Livengood
New Leadership Fund
800 18th Street NW
Washington, DC 20006



BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Jenkins for U.S. Senate Committee)

MUR 651 (78)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 31, 1978, the Commission determined by a vote of 6-0 to adopt the recommendation of the General Counsel to take the following actions in the above-captioned matter:

1. Find reason to believe that the Jenkins for U.S. Senate Committee violated 2 U.S.C. §435(b).
2. Send the letters attached to the First General Counsel's Report dated July 26, 1978.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

Date: 7/31/78

RECEIVED IN OFFICE OF COMMISSION SECRETARY: 7-26-78, 4:11
Circulated on 48 hour basis: 7-27-78, 10:00

79040134341

July 26, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 651

Please have the attached 7 day report on MUR 651
distributed to the Commission on a 48 hour tally basis.

Thank you.

79040134342

FEDERAL ELECTION COMMISSION

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL JUL 26 1978
BY OGC TO COMMISSION

MUR NO. 651
DATE COMPLAINT RECIEVED
BY OGC 7/18/78

STAFF MEMBER(S) Duane Brown

COMPLAINANT'S NAME: Robert J. P. Thiem

RESPONDENT'S NAME: Jenkins for U.S. Senate Committee

RELEVANT STATUTE: 2 U.S.C. §435(b)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In a notarized complaint dated July 13, 1978, complainant alleges that the respondent has engaged in illegal campaign activity. The complainant alleges that the respondent conducted a mailing on behalf of the candidacy of Louis "Woody" Jenkins, a candidate for the U.S. Senate in the Louisiana Democractic primary, in violation of 2 U.S.C. §435(b).

PRELIMINARY LEGAL ANALYSIS

The complainant cites 2 U.S.C. §435(b) as the basis for his complaint. 2 U.S.C. §435(b) states:

Each political committee shall include on the face or front page of all literature and advertisements soliciting contributions the following notice:

"A copy of our report is filed with the Federal Election Commission and is available for purchase from the Federal Election Commission, Washington, D.C."

It appears that the mailing requesting attendance at a fund raising affair on behalf of candidate Jenkins fails to meet the requirements relating to campaign advertising and is in violation of 2 U.S.C. §435(b).

RECOMMENDATIONS

1. Find reason to believe that the Jenkins for U.S. Senate Committee violated 2 U.S.C. §435(b).
2. Send attached letters.

79040134344



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Louis Jenkins
One American Place
Suite 1023
Baton Rouge, Louisiana 70825

RE: MUR 651

Dear Mr. Jenkins:

The Federal Election Commission has received a complaint which alleges your committee committed certain violations 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 651. The Commission has reason to believe that the matters alleged in the complaint state a violation of 2 U.S.C. §435(b). Specifically, it appears that your committee conducted a mailing on behalf of your candidacy for the U.S. Senate, but failed to include the proper disclaimer as required by 2 U.S.C. §435(b) which states that a copy of your report is on file with the Federal Election Commission.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. 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.

The Commission is under a duty to investigate this matter expeditiously. Therefore, your response should be submitted within ten days after your receipt of this notification.

If you have any questions, please contact Duane Brown, the attorney assigned to this matter at (202) 523-4000.

This matter will remain confidential in accordance with 2 U.S.C. Section 437g(a)(3)(B) unless you notify the Commission in writing that you wish the investigation to be made public.

-2-

If you intend to be represented by counsel in this matter,
please have such counsel so notify us in writing.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert J. P. Thiem
P.O. Box 7725
Washington, D.C. 20044

Re: MUR 651

Dear Mr. Thiem:

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A copy of your complaint has been forwarded to respondents. If you have any further information you wish to make available to the Commission, please submit it within five days of your receipt of this letter.

The Commission's enforcement procedures are set forth in 2 U.S.C. §437g. Please note that 2 U.S.C. §437g(a)(3)(B) prohibits any person from making public the fact of "any notification or investigation" by the Commission without the written consent of the respondent.

If you have any questions, please call Duane Brown, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

William C. Oldaker
General Counsel

P.O. Box 12518 PH 12:33
Washington, D.C. 20044
July 13, 1978

Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

Gentlemen:

Section 437g(a)(1) of the Federal Election Campaign Act (FECA) provides that "Any person who believes a violation of this Act...has occurred may file a complaint with the Commission."

It is my belief that a mailing done on behalf of the candidacy of Louis (misspelled "Lewis" in said mailing) "Woody" Jenkins, a candidate for the U.S. Senate in the Louisiana Democratic primary, is in violation of the FECA.

An original copy of this mailing is in my possession and was received by my place of employment, the New Leadership Fund -- a political action committee located at 800 18th St., NW, Washington, D.C. 20006 -- earlier this month. Xerox copies of that mailing and the envelope in which it was received are attached. I will be pleased to turn the original over to you should you request it.

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In accordance with FEC Regulations, Section 111, I state that this complaint is not filed "on behalf of or at the request or suggestion of" any candidate. Nor was it instigated by my place of employment, the New Leadership Fund.

I do not presently have a home phone number, but I may be reached by telephone at my place of employment, at 202-638-7081.

I swear that to the best of my knowledge and belief the statements made above are true.

Sincerely yours,

Robert J. P. Thiem
Robert J. P. Thiem

Att.
RJPT:esr

Subscribed and sworn to before me
on July 14, 1978.

R. Dupe Hively

Notary Public, District of Columbia
My commission expires: 12-14-80

79040134349

JENKINS

United States Senate



Dear Friends:

You and a partner are cordially invited to attend a fund raising dinner in honor of Lewis "Woody" Jenkins, Democratic Candidate for the United States Senate from the state of Louisiana. He and his wife, Diane, will be at the home of Mr. Richard Viguerie, 6033 Crimson Court, McClean, Virginia on Thursday, July 13, 1978 from 7:30 to 9:00 p.m.

In order to help Woody defray the cost of his campaign, we are asking for your donation of \$50.00 per couple to attend this function.

Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"

JENKINS
United States Senate

SUITE 1023 ONE AMERICAN PLACE
BATON ROUGE, LOUISIANA 70825

Mr. Steve Livengood
New Leadership Fund
800 18th Street NW
Washington, DC 20006



FEDERAL ELECTION COMMISSION

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

July 20, 1978

Robert J. P. Thiem
P.O. Box 7725
Washington, D.C. 20044

Dear Mr. Thiem:

This is to acknowledge receipt of your complaint of July 18, 1978, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely yours,

William G. Oldaker
General Counsel

804570

RECEIVED
FEDERAL ELECTION
COMMISSION

P.O. 78x JH2518 PM 12:39
Washington, D.C. 20044
July 13, 1978

Federal Election Commission
1325 K St., NW
Washington, D.C. 20463

Gentlemen:

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Robert J. P. Thiem

Att.
RJPT:esr

Subscribed and sworn to before me
on July 14, 1978.

R. Dupe Hively

Notary Public, District of Columbia
My commission expires: 12-14-80

29040134354



Dear Friends:

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Dinner will be served.

RSVP to Blair Smithson (703) 620-4484

P.S. Please make check payable to "Jenkins for U.S. Senate Committee"

7 9 0 4 0 1 3 4 3 5 6

JENKINS

United States Senate

SUITE 1023 ONE AMERICAN PLACE
BATON ROUGE, LOUISIANA 70825

Mr. Steve Livengood
New Leadership Fund
800 18th Street NW
Washington, DC 20006

79040134357

FEDERAL ELECTION
COMMISSION



18 JUL 18 PM 12:33

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



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

THIS IS THE BEGINNING OF MUR # 651

Date Filmed 6/14/79 Camera No. --- 2

Cameraman J.A.Q.

79040134358