FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1193

Date Filmed 5/16/80 Camera No. --- 2

Cameraman BPC

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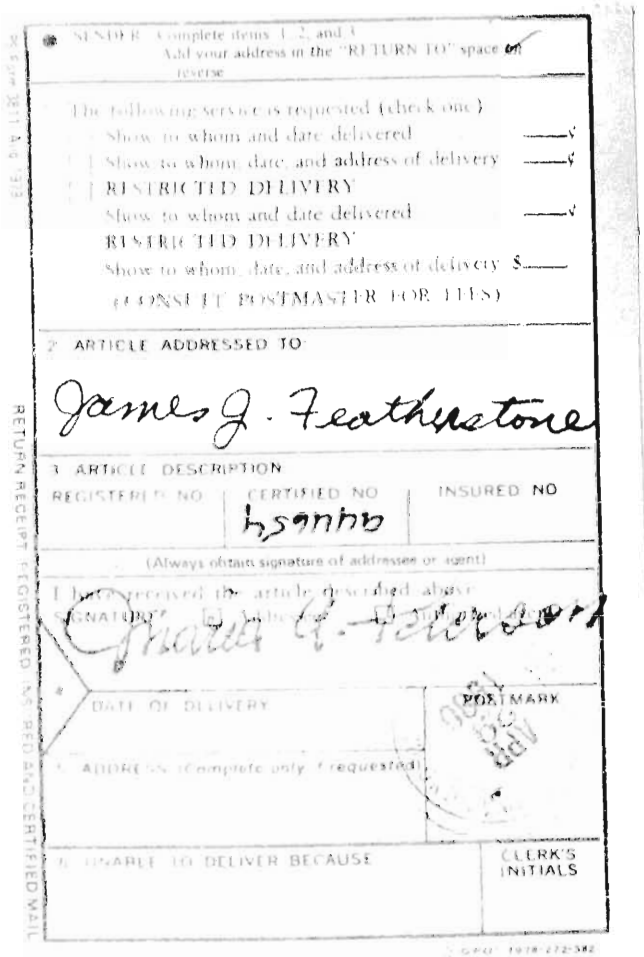


SENDER: Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse

1. The following services 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:

James J. Featherstone

3. ARTICLE DESCRIPTION

REGISTERED NO	CERTIFIED NO	INSURED NO
	424444	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE [ ] Addressee [ ] Authorized agent

Mark A. Featherstone

4. DATE OF DELIVERY

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE

POSTMARK

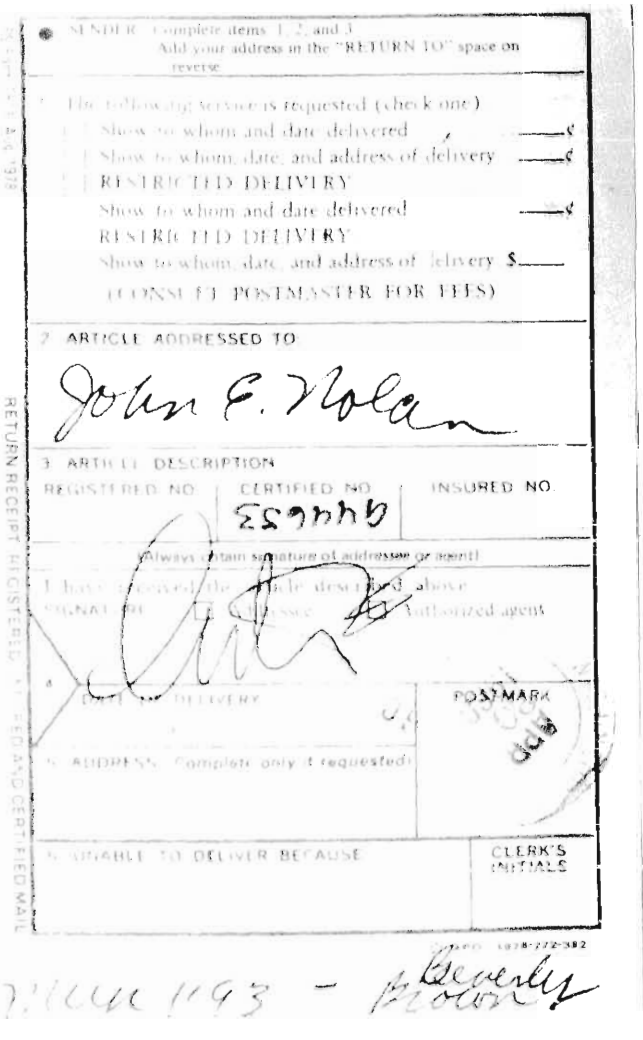
CLERK'S INITIALS

PS Form 3811, Mar. 1978

RETURN RECEIPT REGISTERED, INS. RED AND CERTIFIED MAIL

GPO: 1978-272-582

Mark 1193 - Beverly Brown



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

The following service is requested (check one.)
1. [ ] Show to whom and date delivered ____¢
2. [ ] Show to whom, date, and address of delivery ____¢
3. [ ] 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:
John E. Nolan

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. 4946532 | 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

RETURN RECEIPT REGISTERED, INSURED AND CERTIFIED MAIL

PS Form 3811, Feb. 1978

Yellow 1193 - Beverly Brown

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan
General Counsel
Kennedy for President
1250 22nd Street, N.W.
Washington, D.C. 20037

RE: MUR 1193

Dear Mr. Nolan:

The Federal Election Commission has reviewed the allegations of your complaint dated March 17, 1980 and has determined that on the basis of the information provided in your complaint and information provided by the respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Specifically, you allege that the National Rifle Association Political Victory Fund (NRA-PVF) has violated 2 U.S.C. §§ 433 and 434 by failing to file a statement of organization and required reports with the Federal Election Commission; and 2 U.S.C. § 435(b) by failing to provide the required notice on literature which solicits contributions. In addition, you allege that the National Rifle Association has violated 2 U.S.C. § 435(b).

With respect to the first allegation as to a violation of 2 U.S.C. §§ 433 and 434, the Commission has determined that the National Rifle Association Political Victory Fund filed a statement of organization with the Commission on July 28, 1976 and that subsequent to this filing the NRA-PVF submitted 15 amendements, the last of which was filed on March 4, 1980. In addition, the Commission has determined that the National Rifle Association Political Victory Fund has filed reports of receipts and disbursements from the date of its inception in 1976 to the present. In view of this information, the Commission has found no reason to believe that the NRA-PVF violated 2 U.S.C. §§ 433 and 434.

0041190073

With reference to 2 U.S.C. § 435(b), the Commission has determined that the literature in question was distributed on February 10, 1980, subsequent to the enactment of the Federal Election Campaign Act Amendment of 1979. In that 2 U.S.C. § 435(b) was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendment of 1979 (PL-96-187, January 8, 1980) the Commission has found no reason to believe that the NRA-PVF and/or the National Rifle Association violated this provision of the Act.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Beverly Brown, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan
General Counsel
Kennedy for President
1250 22nd Street, N.W.
Washington, D.C. 20037

RE: MUR 1193

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Specifically, you allege that the National Rifle Association Political Victory Fund (NRA-PVF) has violated 2 U.S.C. §§ 433 and 434 by failing to file a statement of organization and required reports with the Federal Election Commission; and 2 U.S.C. § 435(b) by failing to provide the required notice on literature which solicits contributions. In addition, you allege that the National Rifle Association has violated 2 U.S.C. § 435(b).

With respect to the first allegation as to a violation of 2 U.S.C. §§ 433 and 434, the Commission has determined that the National Rifle Association Political Victory Fund filed a statement of organization with the Commission on July 28, 1976 and that subsequent to this filing the NRA-PVF submitted 15 amendements, the last of which was filed on March 4, 1980. In addition, the Commission has determined that the National Rifle Association Political Victory Fund has filed reports of receipts and disbursements from the date of its inception in 1976 to the present. In view of this information, the Commission has found no reason to believe that the NRA-PVF violated 2 U.S.C. §§ 433 and 434.

BBB 4/24/80

0040100075

With reference to 2 U.S.C. § 435(b), the Commission has determined that the literature in question was distributed on February 10, 1980, subsequent to the enactment of the Federal Election Campaign Act Amendment of 1979. In that 2 U.S.C. § 435(b) was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendment of 1979 (PL-96-187, January 8, 1980) the Commission has found no reason to believe that the NRA-PVF, and/or the National Rifle Association violated this provision of the Act.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Beverly Brown, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

0004010076

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James J. Featherstone
Treasurer
NRA Political Victory Fund
National Rifle Association
1600 Rhode Island Avenue
Washington, D.C. 20036

RE: MUR 1193

Dear Mr. Featherstone:

On April 24, 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 24, 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

0001900077

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James J. Featherstone
Treasurer
NRA Political Victory Fund
National Rifle Association
1600 Rhode Island Avenue
Washington, D.C. 20036

RE: MUR 1193

Dear Mr. Featherstone:

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The Commission, on , 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

BBB 4/24/80

8004190078

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1193
National Rifle Association	)	
National Rifle Association Political Victory Fund (NRA-PVF)	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on April 24, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1193:

1. Find NO REASON TO BELIEVE that the National Rifle Association Political Victory Fund violated 2 U.S.C. § 433.

2. Find NO REASON TO BELIEVE that the National Rifle Association Political Victory Fund violated 2 U.S.C. § 434.

3. Find NO REASON TO BELIEVE that the National Rifle Association and the National Rifle Association Political Victory Fund violated former 2 U.S.C. § 435(b).

4. Approve and send the letters as attached to the First General Counsel's Report dated April 21, 1980.

5. Close the file on this matter.

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

Attest:

4/24/80
Date

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

Received in Office of the Commission Secretary: 4-21-80, 4:00
Circulated on 48 hour vote basis: 4-22-80, 11:00

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April 21, 1980

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1193

Please have the attached First GC Report distributed to the Commission on a 48 hour tally basis. Thank you.

0004019008O

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

RECEIVED
FEC MAIL CENTER

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION APR 21 1980

MUR # 1193 84: 00
DATE COMPLAINT RECEIVED BY OGC 3/19/80

STAFF MEMBER
Beverly Brown

COMPLAINANT'S NAME: Kennedy for President Committee

RESPONDENT'S NAME: National Rifle Association
National Rifle Association Political Victory Fund (NRA-PVF)

RELEVANT STATUTE: 2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 435(b)

INTERNAL REPORTS CHECKED: NRA-PVF Disclosure reports and statements
C - index computer printout

FEDERAL AGENCIES CHECKED: None

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SUMMARY OF ALLEGATIONS

On March 19, 1980, the Kennedy for President Committee ("the Committee") filed a complaint alleging that the National Rifle Association and the National Rifle Association Political Victory Fund (NRA-PVF) had violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Specifically, the complaint alleges the following:

1) That the NRA-PVF violated 2 U.S.C. § 433 by failing to file a statement of organization with the Federal Election Commission.

2) That the NRA-PVF violated 2 U.S.C. § 434 by failing to file reports with the Federal Election Commission.

3) That the National Rifle Association and the NRA-PVF violated 2 U.S.C. § 435(b) by failing to provide the required notice on literature which solicits contributions

FACTUAL AND LEGAL ANALYSIS

Possible violation of 2 U.S.C. § 433

2 U.S.C. § 433 requires a separate segregated fund established by a membership organization to file a statement of organization no later than 10 days after establishment. 1/ The Kennedy for President Committee alleges that the NRA-PVF has failed to file a statement of organization in accordance with this provision of the Act.

In response to the Commission's March 24 notification of the alleged violations, Mr. James J. Featherstone, Treasurer of the National Rifle Association Political Victory Fund, revealed that the NRA-PVF filed a statement of organization with the Commission in 1976. Upon receipt of this response the Office of General Counsel reviewed records on file at the Commission and determined that the NRA-PVF filed a statement of organization with the Commission on July 28, 1976. See Attachment #1. Subsequent to this filing the NRA-PVF filed 15 amendments to its statement of organization, the last of which was filed on March 4, 1980. See Attachment # 2.

In that the National Rifle Association Political Victory Fund filed a statement of organization in accordance with former 2 U.S.C. § 433, the Office of General Counsel recommends the Commission find no reason to believe that the NRA-PVF violated this provision of the Act.

Possible violation of 2 U.S.C. § 434

2 U.S.C. § 434 provides that a political committee shall file reports of receipts and disbursements on forms proscribed or approved by the Commission. The Kennedy for President Committee alleges that the NRA-PVF has failed to file such reports with the Commission.

In response to the above allegation, Mr. Featherstone states that the NRA-PVF has filed reports of receipts and disbursements with the Commission since its inception in 1976.

In that the Office of General Counsel is able to verify that the National Rifle Association Political Victory fund has filed reports of receipts and disbursements as required by the Federal Election Campaign Act, (See attachment #2) we recommend the Commission find no reason to believe that the NRA-PVF violated 2 U.S.C. § 434.

1/ Former 2 U.S.C. § 433 required a political committee to file a statement of organization within 10 days after its organization or after the date on which it had information which caused the committee to anticipate it would receive contributions or make expenditures in excess of $1,000.

Possible violation of 2 U.S.C. § 435(b)

Former 2 U.S.C. § 435(b) 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.

The Kennedy for President Committee alleges that the National Rifle Association and the National Rifle Association Political Victory Fund violated this provision of the Act by failing to include the required disclaimer on a letter which solicits contributions from members to its separate segregated fund.

Mr. Featherstone responded to the above allegation by stating that the letter in question was sent on February 10, 1980. See Response from Respondent at 1. In that 2 U.S.C. § 435(b) was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendment of 1979 (PL-96-187, January 8, 1980) the Office of General Counsel recommends the Commission find no reason to believe that the National Rifle Association and the NRA-PVF violated former 2 U.S.C. § 435(b).

RECOMMENDATIONS

1) Find no reason to believe that the National Rife Association Political Victory Fund violated 2 U.S.C. § 433.

2) Find no reason to believe that the National Rifle Association Political Victory Fund violated 2 U.S.C. § 434.

3) Find no reason to believe that the National Rifle Association and the National Rifle Association Political Victory Fund violated former 2 U.S.C. § 435(b).

4) Approve and send the attached letters.

5) Close the file on this matter.

Attachments

Complaint - 4 pages
Notification Letter to Complainant - 1 page
Notification Letter to Respondent - 2 pages
Response from Respondent - 3 pages
Attachment #1 - 3 pages
Attachment #2 - 3 pages
Letters (2)

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COMPLAINT

March 17, 1980

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

Dear Mr. Steele:

It has come to the Committee's attention that the National Rifle Association has distributed by mail the attached letter, which expressly advocates the defeat of Senator Edward M. Kennedy and otherwise seeks to influence the Presidential nominations. The third page of the letter solicits contributions to the National Rifle Association-Political Victory Fund (NRA-PVF).

It appears that the National Rifle Association has failed to include a notice on literature in accordance with 2 U.S.C. § 435(b).

It also would appear that the NRA-PVF has (1) failed to file a statement of organization in accordance with 2 U.S.C. § 433, (2) failed to file reports with the Commission pursuant to 2 U.S.C. § 434, and (3) has failed to provide the required notice on literature in accordance with 2 U.S.C. § 435(b).

Your prompt attention to these complaints is appreciated.

Very truly yours,

John E. Nolan, Jr.
General Counsel

Enclosure

District of Columbia, ss:

Subscribed and sworn to before me this 17th day of March, 1980

Notary Public, D.C.
My commission expires 4/14/80

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.

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE
WASHINGTON, D.C. 20036

Dear NRA Member:

IF KENNEDY WINS -- YOU LOSE.

THAT'S THE RALLYING CRY FOR NEW HAMPSHIRE SPORTSMEN IN THE DEMOCRATIC PRIMARY ON FEBRUARY 26TH--WITH GOOD REASON.

Senator Kennedy, for as long as I can remember, has been a constant foe of sportsmen and firearms owners. His record leaves no doubt about the facts. Yet, suddenly in the Iowa and New Hampshire campaigns, Ted Kennedy claims his position on firearms has been misrepresented. The real misrepresentation is Kennedy's blatant attempt to mislead the voters.

"I want to make it clear that I do not favor registration and control of long guns", states Senator Kennedy in his December 11th letter to Ted Anderson, Vice President of the Iowa United Auto Workers/CAP Council. While trying to reassure Mr. Anderson and now the voters of New Hampshire, Senator Kennedy did not bother to mentio the fact that in past years he sponsored an amendment which would hav required the registration of all firearms including rifles and shotguns, and the licensing of all firearms owners.

Ted Kennedy's record in Congress leaves no doubt about his position. He has consistently pushed for legislation aimed at restricting your right to firearms ownership. He has introduced or supported legislation:

*banning all handguns except for police and military. (Massachusetts Referendum Question 5, 1976 - Failed 69% -31%)

*banning all handguns which did not meet certain factoring criteria. (Kennedy Bill S. 1936, 1979 - No hearings yet)

*giving the Consumer Products Safety Commission authority to regulate firearms and ammunition. (Amendment to S. 644, 1975)

*requiring the registration of all firearms. (Amendment S. 2507, 1972)

*requiring the licensing of all gun owners. (Amendment S. 2507, 1972)

Additionally, he is a chief fund raiser for the National Coalition to Ban Handguns, a group which has called for making the possession of all handguns and all ammunition illegal except for the military, police, licensed security guards, licensed sporting clubs, and licensed gun collectors. Less than a year ago, Senator Kennedy

was ordered by the Senate Ethics Committee to quit using his official Senate stationery to raise money for this group and another anti-gun group, Handgun Control Incorporated.

And that's not all, Kennedy has repeatedly attempted to eliminate the Civilian Marksmanship Program. It's worth noting that 20% of the youngsters in the 13-19 age group who participate in this program volunteer for military service. In 1977 he stated:

> "I am particularly dismayed with the thrust and direction of this program because it serves to validate the role of firearms as an acceptable and attractive part of our daily life." (Congressional Record July 19, 1977, page S12271)

His latest bill (S. 1936) was just recently introduced into the Congress. Under the provisions of this bill, only handguns approved by the Attorney General of the United States could be manufactured, sold, or transferred. To be sure that's a massive change from his earlier position; but his sudden shift to a "moderate position" only days before announcing his Presidential candidacy, is a transparent exercise in political expediency.

Either Senator Kennedy doesn't know what's in his own bill or he's deliberately attempting to mislead the sportsmen of our country. For Senator Kennedy has told sportsmen that under the provisions of his bill:

> "Only felons and mentally unbalanced persons are prohibited from owning a handgun. Everyone else is free to own one, so long as state and local law permits." (Kennedy letter to Iowa UAW, 1979)

What he doesn't say is that under the provisions of his bill, many of the guns that we own -- such as my collection of Single Action Colt "Frontier" models -- could never be sold, or even be willed to our children.

And he doesn't mention that his bill attempts to force states to enact firearms purchase and carry laws meeting federal standards. Those federal standards, which are spelled out in Kennedy's gun bill, are so prohibitive that even the New York Sullivan or the New Jersey Firearms Owner I.D. Card law would not qualify. (S. 1936, Sec. 922A & 923A)

There isn't space to describe all the provisions of Mr. Kennedy's "simple, moderate bill" -- for that bill is an outlandish 84 pages long, with more hooks than a fishing tackle store.

As President, Ted Kennedy would unquestionably continue to be a constant foe of sportsmen and firearms owners; and I don't care what kind of soothing words he's giving you now. The office of President would give Ted Kennedy powers he never had as a Senator--Presidential powers to grant rewards and punishments depending upon a Congressman's level of support for the Presidents' programs.

Executive agencies--from the Bureau of Alcohol, Tobacco, and Firearms to the Department of Interior to the U.S. Fish & Wildlife Service--would be subject to his influence. Not to mention the power of appointment to Presidential commissions.

Today, more so than ever, sportsmen and firearms owners around the country are facing numerous powerful lobbying groups all aimed at restricting the right to hunt and shoot. Along with firearms ownership, issues such as wilderness designation and access, Rare II land, Alaskan lands, and Pittman-Robertson funding all have an impact on the hunter, shooter, and sportsman.

Given his record, it's beyond imagination that sportsmen would be given a fair shake from a Ted Kennedy administration.

I know I want my children and grandchildren to engage in the pastime of hunting and shooting. Yet, this won't happen unless we are willing to make a commitment and stand up for our beliefs at election time. On February 26th, if you're a Democrat, join your fellow sportsmen in going to the polls and defeating Ted Kennedy. If you are not a Democrat, urge your friends to do so.

There are those who say that Kennedy is out of the race. I don't believe it.

But if you and the other sportsmen of New Hampshire vote him down--by an overwhelming margin--<u>you will be voting him out of the Presidential race.</u>

We're counting on you!

"IF KENNEDY WINS -- YOU LOSE"

Sincerely,

Neal Knox
Executive Director

P.S. The enclosed bumper sticker was purchased by the NRA Political Victory Fund (NRA-PVF). The NRA-PVF is opposing Kennedy by distributing bumper stickers, purchasing ads and informing other hunters and sportsmen about Kennedy's record. Your contribution to the NRA-PVF will help spread the word.

Thanks to Uncle Sam, you may subtract from your income tax bill one half the amount you donate to the NRA-PVF up to a total tax credit of $50 per individual and $100 per joint return.

COMPLAINANT'S
NOTIFICATION LETTER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan, Jr.
General Counsel
Kennedy for President
1250 22nd Street, N.W.
Washington, D.C. 20037

Dear Mr. Nolan:

This letter is to acknowledge receipt of your complaint of March 17, 1980, against the National Rifle Association which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

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RESPONDENT'S
NOTIFICATION LETTER

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Rifle Association of America
Institute for Legislative Action
1600 Rhode Island Avenue
Washington, D.C. 20036

Re: MUR 1193

Dear Sir or Madam:

This letter is to notify you that on March 19, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1193. Please refer to this number in all future correspondence.

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

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

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

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

If you have any questions, please contact Beverly Brown, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

0600111000

HAND DELIVERED

RECEIVED
80 MAR 31 P 2:09

NRA Political Victory Fund

Institute for Legislative Action
P.O. Box 2019, Washington, D.C. 20013

RESPONSE FROM RESPONDENT

007221

March 28, 1980

Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1193

Dear Sirs:

Reference is made to your letter of March 24, 1980, with which you transmitted a letter to the Commission from the Kennedy For President Committee dated March 17, 1980. The letter alleges that the NRA-PVF has:

> (1) failed to file a statement of organization in accordance with 2 U.S.C. § 433, (2) failed to file reports with the Commission pursuant to 2 U.S.C. § 434, and (3) has (sic) failed to provide the required notice on literature in accordance with U.S.C. § 435(b).

As you are aware, our Statement of Organization was filed in 1976. It has also been amended on several occasions, the most recent Statements of Organization having been filed on October 25, 1978, and March 4, 1980. As you are also aware, since its inception the NRA-PVF has filed reports with the Commission, as required by the Federal Election Campaign Act. The NRA-PVF currently files on a monthly basis.

A letter printed on the letterhead of the National Rifle Association Institute for Legislative Action, transmitted to you by the Kennedy For President Committee, was also enclosed with your letter of March 24, 1980. This NRA-ILA letter apparently forms the basis for charge No. 3, above. It is a letter sent on February 10, 1980, to NRA members in New Hampshire advocating the defeat of Edward M. Kennedy, a candidate in the Democratic Presidential Primary Election in that state. The letter also solicits a contribution from NRA members in New Hampshire.

80 MAR 31 P2:52

As you know, 2 U.S.C. 435 (b), cited by the Kennedy for President Committee, was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendments of 1979 (PL 96-187, January 8, 1980). The requirements for authorization statements on communications advocating the election or defeat of a clearly identified candidate, or soliciting contributions through general public political advertising are contained in 2 U.S.C. 441d, as amended.

It is my view that the letter to NRA members in New Hampshire does not come within the purview of Section 441d(a) which states, in pertinent part:

> Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication .... (emphasis added)

2 U.S.C. 431 (9)(B), which defines the term expenditure, specifically provides that the term does not include

> (iii) any communication by any membership organization to its members ... if such membership organization ... is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office .... (emphasis added)

The NRA is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office. The costs incurred by the NRA in making the communication to advocate candidate Kennedy's defeat do not, therefore, come within the definition of expenditure and accordingly need not contain the information required by 2 U.S.C. 441d. Further, although funds were solicited by the communication, 2 U.S.C. 441d takes within its ambit only solicitations made through "general public political advertising." This is consistent with 2 U.S.C. 441b (b)(2)(C) which provides that the term "contribution or expenditure" shall not include the solicitation of contributions to a separate segregated fund to be utilized for political purposes by a membership organization and that a membership organization is not prevented from soliciting contributions to such a fund from its members.

It is clear, therefore, from the language of the Act that the letter to NRA members in New Hampshire did not violate the terms of the Federal Election Campaign Act, as amended. It is apparent also that the letter was consistent with the intent of 2 U.S.C. 441d which is to ensure that the general public is aware of who is, and is not, financing political communications and solicitations.

0011000092

The costs of our February 10, 1980, communication to members have, of course, been reported on FEC Form 7.

I look forward to any comments you may have concerning the above.

Sincerely,

James J. Featherstone

James J. Featherstone
Treasurer

JJF:mem
Enclosure: FEC Form 1

0001009093

ATTACHMENT #1

FEC Form 1
January 1979
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Political Committee

Supporting any candidate(s) for federal office and anticipating contributions or expenditures in excess of $1,000 in any calendar year in support of such candidate(s).

HAND DELIVERED

Note: *Committees authorized by a candidate to receive contributions and make expenditures in connection with his campaign for election must maintain separate records with respect to each election.*

1(a) Name of Committee (in full)	2 Identification Number
NRA POLITICAL VICTORY FUND	C00041194
(b) Address (number and street) 1600 Rhode Island Avenue, N.W.	3 Date of registration (month, day, year)
(c) City, State and ZIP code Washington, D. C. 20036	4 Is this an amended statement ☐ Yes ☒ No If "Yes" fill in only those lines on which there has been a change

5 Check one:

☐ (a) This committee has been designated as the principal campaign committee for _____ (Name of Candidate)

a candidate for _____ (Federal office sought) in the _____ (General, Primary, Runoff, etc.) Election(s)

to be held in the State of _____ (State in which election is held) on _____ (Date(s))

(The Principal Campaign Committee will forward to the Commission a copy of the Statement of Organization for each committee required to file with it).

☐ (b) This committee is supporting only one candidate, and is authorized by _____ (Name of Candidate)

to receive contributions and make expenditures with respect to the _____ (General, Primary, Runoff, etc.) Election(s)

held on _____ (Date(s)), and will file all reports and statements with the candidate's principal campaign committee, _____ (Full name of principal campaign committee)

(Attach a copy of Candidate's written authorization.) (FEC Form 2a)

☐ (c) This committee supports only one candidate _____ (Name of Candidate) but is not an authorized committee.

☒ (d) This committee is a multicandidate committee.

☐ (e) This committee is a _____ (National, state, county, city) committee of the _____ (Democratic, Republican, etc.) Party.

6 Name of affiliated or connected organization	Mailing address and ZIP code	Relationship
National Rifle Association of America	1600 Rhode Island Avenue, N.W. Washington, D. C. 20036	PAC Parent

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

7 6 0 3 0 2 3 4 2 4 1

FEC Form 1
January 1976
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Statement of Organization For a Committee

(Page 2)

Name of Committee

7 Area, Scope and Jurisdiction of Committee

(a) Will this committee operate in more than one State? ☒ Yes ☐ No
(b) Will it operate on a statewide basis in one State? ☐ Yes ☒ No
(c) Will it primarily support candidates seeking State or local office? ☐ Yes ☒ No

8 (a) List by name, address, office sought, and party affiliation, any candidate for Federal office that this committee is supporting

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
This information is not available at this time, since no decision has yet been made on which candidates will receive funds.			

(b) List by name, address, office sought, and party affiliation, any candidate(s) for any other public office(s) that this committee is supporting (unless the committee is supporting the entire ticket of a party as indicated in line 9)

Full name(s) of candidate(s)	Mailing address and ZIP code	Office sought	Party
This information is not available at this time, since no decision has yet been made on which candidates will receive funds.			

9 If this committee is supporting the entire ticket of a party, give name of party ▶

10 Identify by name, address and position, the person in possession of committee books and records:

Full name	Mailing address and ZIP code	Title or position
Michael J. Parker	1600 Rhode Island Ave., N.W. Washington, D. C. 20036	Treasurer

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization. Indicate in the appropriate section above when information is continued on separate page(s).

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Form 1
ary 1976
ral Election Commission
5 K Street, N.W.
hington, D.C. 20463

Statement of Organization For a Committee

(Page 3)

Name of Committee

11 List by name, address and position, other principal officers of the committee:

Full name	Mailing address and ZIP code	Title or position
Robert J. Kukla	1600 Rhode Island Ave., N.W. Washington, D. C. 20036	Chairman

12 Does this committee plan to stay in existence beyond the current calendar year? ☒ Yes ☐ No
If "Yes" for how long? Indefinitely

13 In the event of dissolution, what disposition will be made of residual funds? any unexpended balances of restricted funds would be disposed of in accordance with applicable laws and regulations. Unexpended balances of unrestricted funds would be disposed of in any manner authorized by law which does not inure to the benefit of any member of the committee or its parent association

14 List all banks or other repositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds:

Name of bank, repository, etc.	Mailing address and ZIP code
No account has yet been opened.	

15 List all election reports required to be filed by this committee with States and local jurisdictions, together with the names, addresses, and positions of the recipients of the reports (other than reports filed with Secretaries of State pursuant to USC 439(a)):

Report title	Dates required	Name and position of recipient	Mailing address and ZIP code
This information is not available, since no decision has yet been made on who will receive funds.			

Submit additional information on separate continuation sheets appropriately labeled and attached to this Statement of Organization, indicate in the appropriate section above when information is continued on separate page(s).

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Robert J. Kukla
(Signature of Treasurer)

7/27/76
(Date)

Note: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. § 441 (text on reverse side of form).

For further information contact:
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

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STATEMENT OF ORGANIZATION- AMENDMENT					26OCT76		6	76FEC/037/0011
STATEMENT OF ORGANIZATION- AMENDMENT					18NOV76		5	76FEC/038/5398
STATEMENT OF ORGANIZATION- AMENDMENT					27DEC76		5	76FEC/044/4812
OCTOBER 10 QUARTERLY		2,191		6,860	1SEP76	-30SEP76	13	76FEC/033/3294
10 DAY PRE-ELECTION	6,380		0		11AUG76	-30AUG76	8	76FEC/026/2918
10 DAY PRE-ELECTION		362		1,910	50CT76	-19OCT76	11	76FEC/036/0508
30 DAY POST-ELECTION	2,191		6,860		1SEP76	- 4OCT76	14	76FFC/038/2048
30 DAY POST-ELECTION		377		200	19OCT76	-22NOV76	9	76FEC/042/4317
YEAR END REPORT		642		100	23NOV76	-31DEC76	9	77FEC/047/0355
TOTAL	6,571	3,572	6,860	7,070			98	TOTAL PAGES

NRA INSTITUTE POLITICAL ACTION FUND
1976 STATEMENT OF ORGANIZATION

								ID# C00041194
MISCELLANEOUS TRANSACTION FROM F.E.C.					16JUN76		3	76FEC/008R/3663
OCTOBER 10 QUARTERLY - TERMINATED					18OCT76		2	76FEC/038/2087
		3		0			2	76FEC/033/2694

TERMINATED

NRA POLITICAL VICTORY FUND
CONNECTED ORGANIZATION: RIFLE ASSOC OF AMERICA NATIONAL

								ID# C00053553

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (76)

DATE 05CT78
PAGE 370

NON-PARTY RELATED

COMMITTEE / DOCUMENT	RECEIPTS PRIMARY	RECEIPTS GENERAL	EXPENDITURES PRIMARY	EXPENDITURES GENERAL	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
1976 STATEMENT OF ORGANIZATION					24JUL76	3	76FEC/023/4261
REQUEST FOR ADDITIONAL INFORMATION					3AUG76	1	76FEC/026/2043
REQUEST FOR ADDITIONAL INFORMATION					3AUG76	1	76FE /026/2045
STATEMENT OF ORGANIZATION- AMENDMENT					17AUG76	3	76FEC/025/4991
STATEMENT OF ORGANIZATION- AMENDMENT					17AUG76	2	76FEC/025/4678
STATEMENT OF ORGANIZATION- AMENDMENT					27SEP76	2	76FEC/029/4396
STATEMENT OF ORGANIZATION- AMENDMENT					29OCT76	6	76FEC/037/3006
STATEMENT OF ORGANIZATION- AMENDMENT					4NOV76	6	76FEC/038/1297
OCTOBER 10 QUARTERLY 3A - POSTCARD					18OCT76	1	76FEC/036/3226
10 DAY PRE-ELECTION		3,166		0	10CT76	-14OCT76	3	76FEC/035/2208
30 DAY POST-ELECTION		100,735		51,452	19OCT76	-22NOV76	16	76FEC/041/3481
YEAR END REPORT		6,676		6,572	23NOV76	-31DEC76	5	77FEC/047/1859
TOTAL	0	110,577	0	58,024		65	TOTAL PAGES
NURSERY INDUSTRY POLITICAL ACTION COMMITTEE							ID# C00022988
CONNECTED ORGANIZATION: GROWERS AMERICAN ASSOCIATION OF							
1975 MISCELLANEOUS TRANSACTION FROM F.E.C.					8OCT75	2	76FEC/012/2545
1976 STATEMENT OF ORGANIZATION- AMENDMENT					4JUN76	2	76FEC/029/0353
STATEMENT OF ORGANIZATION- AMENDMENT					23SEP76	6	76FEC/029/2643
STATEMENT OF ORGANIZATION- AMENDMENT					6OCT76	2	76FEC/031/3049
STATEMENT OF ORGANIZATION- AMENDMENT					2NOV76	1	76FEC/038/0086
1975 JULY 10 QUARTERLY	0		75		1JUN75	-30JUN75	3	76FEC/027/4435
REQUEST FOR ADDITIONAL INFORMATION					1JUN75	-30JUN75	1	76FEC/012/2534
[illegible]	0		275		1JUL75	-30SEP75	5	76FEC/012/2540
					1OCT75	-31DEC75	9	76FEC/012/2547

ATTACHMENT #2

COMMITTEE	DOCUMENT	RECEIPTS	EXPENDITURES	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NRA POLITICAL VICTORY FUND						ID #C00053553
CONNECTED ORGANIZATION: RIFLE ASS'N OF AMERICA, NAT'L						
1977	STATEMENT OF ORGANIZATION - AMENDMENT			9FEB77	4	77FEC/048/2329
	STATEMENT OF ORGANIZATION - AMENDMENT			22APR77	2	77FEC/052/3779
	STATEMENT OF ORGANIZATION - AMENDMENT			9MAY77	2	77FEC/053/1169
	STATEMENT OF ORGANIZATION - AMENDMENT			21JUN77	3	77FEC/054/2973
	STATEMENT OF ORGANIZATION - AMENDMENT			25AUG77	4	77FEC/057/4182
	APRIL 10 QUARTERLY	3,702	706	1JAN77 -31MAR77	7	77FEC/050/[illegible]00
	JULY 10 QUARTERLY	975	7,291	1APR77 -30JUN77	6	77FEC/055/[illegible]65
	OCTOBER 10 QUARTERLY	10,830	3,506	1JUL77 -30SEP77	5	77FEC/060/0475
	YEAR END	14,951	13,030	10CT77 -31DEC77	7	78FEC/065/3772
1978	REQUEST FOR ADDITIONAL INFORMATION				4	78FEC/086/2416
	STATEMENT OF ORGANIZATION - AMENDMENT			20MAR78	2	78FEC/069/0284
	MISCELLANEOUS REPORT			27MAR78 TO FEC	2	78FEC/069/2014
	MISCELLANEOUS REPORT			12APR78 FROM FEC	1	78FEC/071/2562
	STATEMENT OF ORGANIZATION - AMENDMENT			10OCT78	2	78FEC/087/2585
	STATEMENT OF ORGANIZATION - AMENDMENT			23OCT78	2	78FEC/090/5303
	STATEMENT OF ORGANIZATION - AMENDMENT			25OCT78	4	78FEC/091/2971
	APRIL 10 QUARTERLY	3,606	3,300	1JAN78 -31MAR78	8	78FEC/071/0808
	MAY MONTHLY	30,981	6,650	1APR78 -30APR78	8	78FEC/075/0279
	MAY MONTHLY - AMENDMENT			1APR78 -30APR78	2	78FEC/086/2114
	JUNE MONTHLY	443,465	8,422	1MAY78 -31MAY78	25	78FEC/077/1014
	JUNE MONTHLY - AMENDMENT			1MAY78 -31MAY78	2	78FEC/086/1547
	JULY MONTHLY	30,135	10,600	1JUN78 -30JUN78	8	78FEC/080/5142
	JULY MONTHLY - AMENDMENT			1JUN78 -30JUN78	2	78FEC/086/2116
	AUGUST MONTHLY	19,992	8,821	1JUL78 -31JUL78	7	78FEC/083/1816
	AUGUST MONTHLY - AMENDMENT			1JUL78 -31JUL78	1	78FEC/085/3757
	SEPTEMBER MONTHLY	8,721	59,366	1AUG78 -31AUG78	16	78FEC/085/3758
	OCTOBER MONTHLY	6,302	100,535	1SEP78 -30SEP78	21	78FEC/091/[illegible]34
	10 DAY PRE-GENERAL			23OCT78	2	78FEC/091/[illegible]1
	10 DAY PRE-GENERAL	8,188	141,984	10CT78 -23OCT78	18	78FEC/092/5456
	REQUEST FOR ADDITIONAL INFORMATION			10CT78 -23OCT78	3	79FEC/134/4731
	10 DAY PRE-GENERAL - AMENDMENT			10CT78 -23OCT78	6	79FEC/136/2741
	30 DAY POST GENERAL	3,316	137,114	24OCT78 -27NOV78	28	78FEC/098/0025
	REQUEST FOR ADDITIONAL INFORMATION			24OCT78 -27NOV78	3	79FEC/130/0151
	30 DAY POST-GENERAL - AMENDMENT			24OCT78 -27NOV78	3	79FEC/131/0932
	REQUEST FOR ADDITIONAL INFORMATION			24OCT78 -27NOV78	2	79FEC/134/4734
	30 DAY POST-GENERAL - AMENDMENT			24OCT78 -27NOV78	2	79FEC/136/3991
	YEAR END	626	70,359	28NOV78 -31DEC78	11	79FEC/118/5140
	REQUEST FOR ADDITIONAL INFORMATION			28NOV78 -31DEC78	2	79FEC/127/2511
	YEAR END - AMENDMENT			28NOV78 -31DEC78	5	79FEC/128/3013
	REQUEST FOR ADDITIONAL INFORMATION			28NOV78 -31DEC78	3	79FEC/134/4739
	REQUEST FOR ADDITIONAL INFORMATION			28NOV78 -31DEC78	3	79FEC/134/4736
	YEAR END - AMENDMENT			28NOV78 -31DEC78	1	79FEC/136/3984
	TOTAL	605,790 0	572,178 0		247	TOTAL PAGES

FEDERAL ELECTION COMMISSION
COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C) (79-80)

NON-PARTY RELATED

COMMITTEE / DOCUMENT	RECEIPTS	EXPENDITURES	COVERAGE DATES	# OF PAGES	MICROFILM LOCATION
NRA POLITICAL VICTORY FUND				ID	#C00053553
CONNECTED ORGANIZATION: RIFLE ASS'N OF AMERICA; NAT'L					
1979 MISCELLANEOUS REPORT			29MAR79 FROM FEC	1	79FEC/122/3121
MISCELLANEOUS REPORT			17AUG79 TO FEC	4	79FEC/135/0088
MISCELLANEOUS REPORT			17OCT79 TO FEC	3	79FEC/140/0519
FEBRUARY MONTHLY	3,692	2,518	1JAN79 -31JAN79	9	79FEC/121/4360
FEBRUARY MONTHLY - AMENDMENT	-	-	1JAN79 -31JAN79	2	79FEC/128/3771
FEBRUARY MONTHLY - AMENDMENT	-	-	1JAN79 -31JAN79	1	80FEC/151/[illegible]3
REQUEST FOR ADDITIONAL INFORMATION			1JAN79 -31JAN79	1	79FEC/127/2513
MARCH MONTHLY	528	14,441	1FEB79 -28FEB79	13	79FEC/122/2131
MARCH MONTHLY - AMENDMENT	-	-	1FEB79 -28FEB79	2	79FEC/125/1462
MARCH MONTHLY - AMENDMENT	-	-	1FEB79 -28FEB79	2	79FEC/128/3769
MARCH MONTHLY - AMENDMENT	-	-	1FEB79 -28FEB79	2	79FEC/136/3985
REQUEST FOR ADDITIONAL INFORMATION			1FEB79 -28FEB79	3	79FEC/123/1557
REQUEST FOR ADDITIONAL INFORMATION			1FEB79 -28FEB79	3	79FEC/127/2514
REQUEST FOR ADDITIONAL INFORMATION			1FEB79 -28FEB79	3	79FEC/134/4745
REQUEST FOR ADDITIONAL INFORMATION			1FEB79 -28FEB79	3	79FEC/134/4742
APRIL MONTHLY	917	45,991	1MAR79 -31MAR79	10	79FEC/124/1043
APRIL MONTHLY - AMENDMENT	-	-	31MAR79	2	79FEC/125/3584
APRIL MONTHLY - AMENDMENT	-	-	1MAR79 -31MAR79	1	79FEC/136/3990
REQUEST FOR ADDITIONAL INFORMATION			1MAR79 -31MAR79	3	79FEC/134/4748
JULY 10 QUARTERLY	953	10,497	1APR79 -30JUN79	13	79FEC/131/0855
OCTOBER 10 QUARTERLY	26,889	5,225	1JUL79 -30SEP79	7	79FEC/138/1373
OCTOBER 10 QUARTERLY - AMENDMENT	-	-	30SEP79	4	79FEC/139/1870
YEAR END	167,646	37,744	10CT79 -31DEC79	13	80FEC/146/5338
1980 MISCELLANEOUS REPORT			18JAN80 TO FEC	3	80FEC/145/0005
MISCELLANEOUS REPORT			23JAN80 FROM FEC	2	80FEC/145/1747
48 HOUR CONTRIBUTION NOTICE			14FEB80	2	80FEC/149/0306
48 HOUR CONTRIBUTION NOTICE			15FEB80	2	80FEC/149/[illegible]0
MISCELLANEOUS REPORT			22FEB80 TO FEC	2	80FEC/149/[illegible]0
MISCELLANEOUS REPORT			25FEB80 TO FEC	2	80FEC/149/4028
STATEMENT OF ORGANIZATION - AMENDMENT			4MAR80	4	80FEC/149/4803
FEBRUARY MONTHLY	35,907	21,246	1JAN80 -31JAN80	9	80FEC/149/1849
MARCH MONTHLY	18,770	60,472	1FEB80 -29FEB80	12	80FEC/150/4393
TOTAL	255,302	0 188,134	0	145	TOTAL PAGES

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James J. Featherstone
Treasurer
NRA Political Victory Fund
National Rifle Association
1600 Rhode Island Avenue
Washington, D.C. 20036

RE: MUR 1193

Dear Mr. Featherstone:

On , 1980, the Commission notified you of a complaint alleging that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1980, determined that on the basis of the information in the complaint and information provided by you that there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission has closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

0 0 1 0 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan
General Counsel
Kennedy for President
1250 22nd Street, N.W.
Washington, D.C. 20037

RE: MUR 1193

Dear Mr. Nolan:

The Federal Election Commission has reviewed the allegations of your complaint dated March 17, 1980 and has determined that on the basis of the information provided in your complaint and information provided by the respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Specifically, you allege that the National Rifle Association Political Victory Fund (NRA-PVF) has violated 2 U.S.C. §§ 433 and 434 by failing to file a statement of organization and required reports with the Federal Election Commission; and 2 U.S.C. § 435(b) by failing to provide the required notice on literature which solicits contributions. In addition, you allege that the National Rifle Association has violated 2 U.S.C. § 435(b).

With respect to the first allegation as to a violation of 2 U.S.C. §§ 433 and 434, the Commission has determined that the National Rifle Association Political Victory Fund filed a statement of organization with the Commission on July 28, 1976 and that subsequent to this filing the NRA-PVF submitted 15 amendements, the last of which was filed on March 4, 1980. In addition, the Commission has determined that the National Rifle Association Political Victory Fund has filed reports of receipts and disbursements from the date of its inception in 1976 to the present. In view of this information, the Commission has found no reason to believe that the NRA-PVF violated 2 U.S.C. §§ 433 and 434.

With reference to 2 U.S.C. § 435(b), the Commission has determined that the literature in question was distributed on February 10, 1980, subsequent to the enactment of the Federal Election Campaign Act Amendment of 1979. In that 2 U.S.C. § 435(b) was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendment of 1979 (PL-96-187, January 8, 1980) the Commission has found no reason to believe that the NRA-PVF and/or the National Rifle Association violated this provision of the Act.

Accordingly, the Commission has decided to close the file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact Beverly Brown, the staff member assigned to this matter at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

0021102

GCC 896

HAND DELIVERED

RECEIVED

80 MAR 31 P2:09

NRA Political Victory Fund

Institute for Legislative Action
P.O. Box 2019, Washington, D.C. 20013

March 28, 1980

807221

Federal Election Commission
1325 K Street, NW
Washington, DC 20463

RE: MUR 1193

Dear Sirs:

Reference is made to your letter of March 24, 1980, with which you transmitted a letter to the Commission from the Kennedy For President Committee dated March 17, 1980. The letter alleges that the NRA-PVF has:

> (1) failed to file a statement of organization in accordance with 2 U.S.C. § 433, (2) failed to file reports with the Commission pursuant to 2 U.S.C. § 434, and (3) has (sic) failed to provide the required notice on literature in accordance with U.S.C. § 435(b).

As you are aware, our Statement of Organization was filed in 1976. It has also been amended on several occasions, the most recent Statements of Organization having been filed on October 25, 1978, and March 4, 1980. As you are also aware, since its inception the NRA-PVF has filed reports with the Commission, as required by the Federal Election Campaign Act. The NRA-PVF currently files on a monthly basis.

A letter printed on the letterhead of the National Rifle Association Institute for Legislative Action, transmitted to you by the Kennedy For President Committee, was also enclosed with your letter of March 24, 1980. This NRA-ILA letter apparently forms the basis for charge No. 3, above. It is a letter sent on February 10, 1980, to NRA members in New Hampshire advocating the defeat of Edward M. Kennedy, a candidate in the Democratic Presidential Primary Election in that state. The letter also solicits a contribution from NRA members in New Hampshire.

As you know, 2 U.S.C. 435 (b), cited by the Kennedy for President Committee, was stricken from the Federal Election Campaign Act by the Federal Election Campaign Act Amendments of 1979 (PL 96-187, January 8, 1980). The requirements for authorization statements on communications advocating the election or defeat of a clearly identified candidate, or soliciting contributions through general public political advertising are contained in 2 U.S.C. 441d, as amended.

It is my view that the letter to NRA members in New Hampshire does not come within the purview of Section 441d(a) which states, in pertinent part:

> Whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication .... (emphasis added)

2 U.S.C. 431 (9)(B), which defines the term expenditure, specifically provides that the term does not include

> (iii) any communication by any membership organization to its members ... if such membership organization ... is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office .... (emphasis added)

The NRA is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual to Federal office. The costs incurred by the NRA in making the communication to advocate candidate Kennedy's defeat do not, therefore, come within the definition of expenditure and accordingly need not contain the information required by 2 U.S.C. 441d. Further, although funds were solicited by the communication, 2 U.S.C. 441d takes within its ambit only solicitations made through "general public political advertising." This is consistent with 2 U.S.C. 441b (b)(2)(C) which provides that the term "contribution or expenditure" shall not include the solicitation of contributions to a separate segregated fund to be utilized for political purposes by a membership organization and that a membership organization is not prevented from soliciting contributions to such a fund from its members.

It is clear, therefore, from the language of the Act that the letter to NRA members in New Hampshire did not violate the terms of the Federal Election Campaign Act, as amended. It is apparent also that the letter was consistent with the intent of 2 U.S.C. 441d which is to ensure that the general public is aware of who is, and is not, financing political communications and solicitations.

0 0 0 4 1 0 4

The costs of our February 10, 1980, communication to members have, of course, been reported on FEC Form 7.

I look forward to any comments you may have concerning the above.

Sincerely,

James J. Featherstone

James J. Featherstone
Treasurer

JJF:mem
Enclosure: FEC Form 1

0105

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

National Rifle Association of America
Institute for Legislative Action
1600 Rhode Island Avenue
Washington, D.C. 20036

Re: MUR 1193

Dear Sir or Madam:

This letter is to notify you that on March 19, 1980, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act") or Chapters 95 and 96 of Title 26, U.S. Code. A copy of the complaint is enclosed. We have numbered this matter MUR 1193. Please refer to this number in all future correspondence.

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

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

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

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

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If you have any questions, please contact Beverly Brown, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

1. Complaint
2. Procedures

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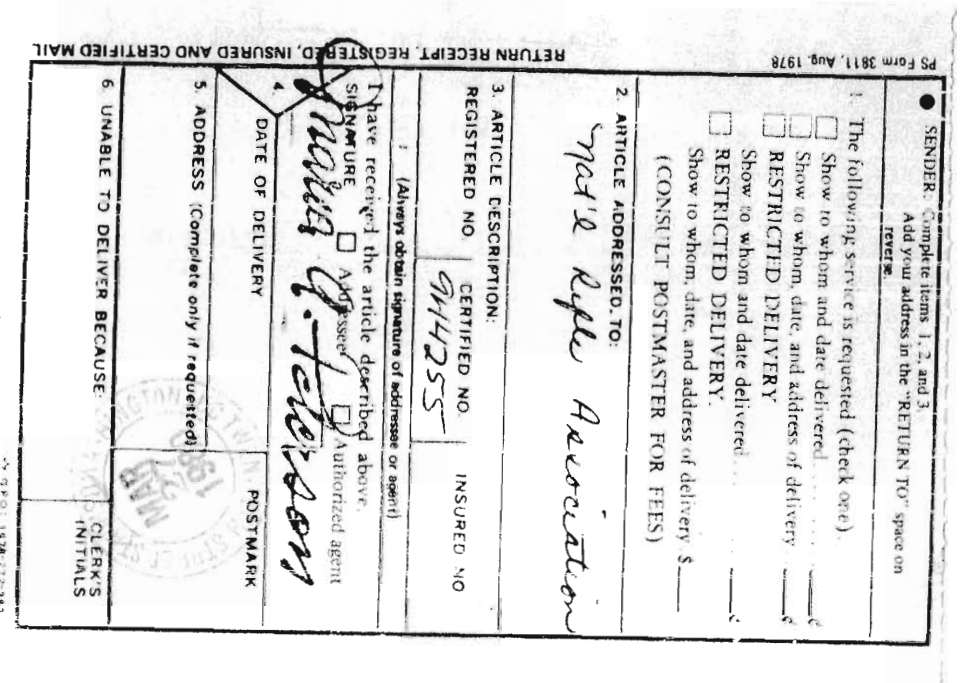
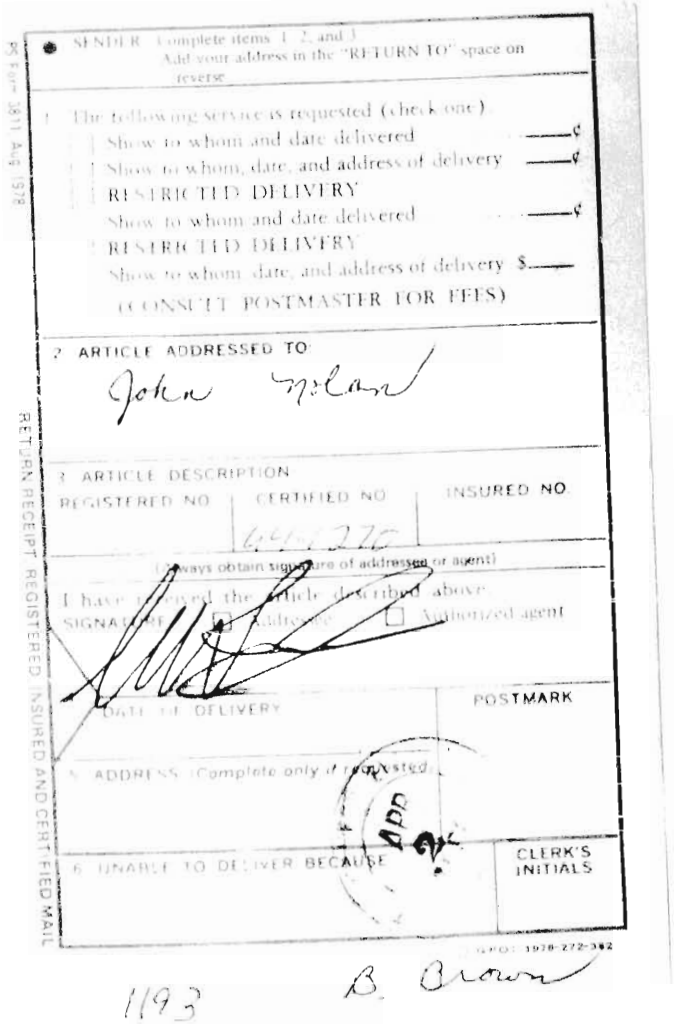


1153 B. Brown



PS Form 3811, Aug. 1978

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:
John McCain

3. ARTICLE DESCRIPTION
REGISTERED NO. | CERTIFIED NO. | INSURED NO.
[illegible]

(Always obtain signature of addressee or agent)
I have received the article described above.
SIGNATURE [illegible] ☐ Addressee ☐ Authorized agent

DATE OF DELIVERY

POSTMARK

4. ADDRESS (Complete only if requested)

5. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

GPO: 1978-272-382

1193

B. Brown

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 24, 1980

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John E. Nolan, Jr.
General Counsel
Kennedy for President
1250 22nd Street, N.W.
Washington, D.C. 20037

Dear Mr. Nolan:

This letter is to acknowledge receipt of your complaint of March 17, 1980, against the National Rifle Association which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within 5 days and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

Enclosure

MCC#762

KENNEDY FOR PRESIDENT

MUR 1193

March 17, 1980

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

Dear Mr. Steele:

It has come to the Committee's attention that the National Rifle Association has distributed by mail the attached letter, which expressly advocates the defeat of Senator Edward M. Kennedy and otherwise seeks to influence the Presidential nominations. The third page of the letter solicits contributions to the National Rifle Association-Political Victory Fund (NRA-PVF).

It appears that the National Rifle Association has failed to include a notice on literature in accordance with 2 U.S.C. § 435(b).

It also would appear that the NRA-PVF has (1) failed to file a statement of organization in accordance with 2 U.S.C. § 433, (2) failed to file reports with the Commission pursuant to 2 U.S.C. § 434, and (3) has failed to provide the required notice on literature in accordance with 2 U.S.C. § 435(b).

Your prompt attention to these complaints is appreciated.

Very truly yours,

John E. Nolan, Jr.
General Counsel

Enclosure

District of Columbia, ss:

Subscribed and sworn to before me this 17th day of March, 1980

Notary Public, D.C.
My commission expires 4/14/80

1250 22ND STREET N.W. WASHINGTON D.C. 20037 TELEPHONE: (202) 861-6000

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.

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE
WASHINGTON, D.C. 20036

Dear NRA Member:

IF KENNEDY WINS -- YOU LOSE.

THAT'S THE RALLYING CRY FOR NEW HAMPSHIRE SPORTSMEN IN THE DEMOCRATIC PRIMARY ON FEBRUARY 26TH--WITH GOOD REASON.

Senator Kennedy, for as long as I can remember, has been a constant foe of sportsmen and firearms owners. His record leaves no doubt about the facts. Yet, suddenly in the Iowa and New Hampshire campaigns, Ted Kennedy claims his position on firearms has been misrepresented. The real misrepresentation is Kennedy's blatant attempt to mislead the voters.

"I want to make it clear that I do not favor registration and control of long guns", states Senator Kennedy in his December 11th letter to Ted Anderson, Vice President of the Iowa United Auto Workers/CAP Council. While trying to reassure Mr. Anderson and now the voters of New Hampshire, Senator Kennedy did not bother to mentio the fact that in past years he sponsored an amendment which would hav required the registration of all firearms including rifles and shotguns, and the licensing of all firearms owners.

Ted Kennedy's record in Congress leaves no doubt about his position. He has consistently pushed for legislation aimed at restricting your right to firearms ownership. He has introduced or supported legislation:

*banning all handguns except for police and military. (Massachusetts Referendum Question 5, 1976 - Failed 6 -31%)

*banning all handguns which did not meet certain factoring criteria. (Kennedy Bill S. 1936, 1979 - No hearings yet)

*giving the Consumer Products Safety Commission authority to regulate firearms and ammunition. (Amendment to S. 644, 1975)

*requiring the registration of all firearms. (Amendment S. 2507, 1972)

*requiring the licensing of all gun owners. (Amendment S. 2507, 1972)

Additionally, he is a chief fund raiser for the National Coalition to Ban Handguns, a group which has called for making the possession of all handguns and all ammunition illegal except for the military, police, licensed security guards, licensed sporting clubs, and licensed gun collectors. Less than a year ago, Senator Kennedy

was ordered by the Senate Ethics Committee to quit using his official Senate stationery to raise money for this group and another anti-gun group, Handgun Control Incorporated.

And that's not all, Kennedy has repeatedly attempted to eliminate the Civilian Marksmanship Program. It's worth noting that 20% of the youngsters in the 13-19 age group who participate in this program volunteer for military service. In 1977 he stated:

> "I am particularly dismayed with the thrust and direction of this program because it serves to validate the role of firearms as an acceptable and attractive part of our daily life." (Congressional Record July 19, 1977, page S12271)

His latest bill (S. 1936) was just recently introduced into the Congress. Under the provisions of this bill, only handguns approved by the Attorney General of the United States could be manufactured, sold, or transferred. To be sure that's a massive change from his earlier position; but his sudden shift to a "moderate position" only days before announcing his Presidential candidacy, is a transparent exercise in political expediency.

Either Senator Kennedy doesn't know what's in his own bill or he's deliberately attempting to mislead the sportsmen of our country. For Senator Kennedy has told sportsmen that under the provisions of his bill:

> "Only felons and mentally unbalanced persons are prohibited from owning a handgun. Everyone else is free to own one, so long as state and local law permits." (Kennedy letter to Iowa UAW, 1979)

What he doesn't say is that under the provisions of his bill, many of the guns that we own -- such as my collection of Single Action Colt "Frontier" models -- could never be sold, or even be willed to our children.

And he doesn't mention that his bill attempts to force states to enact firearms purchase and carry laws meeting federal standards. Those federal standards, which are spelled out in Kennedy's gun bill, are so prohibitive that even the New York Sullivan or the New Jersey Firearms Owner I.D. Card law would not qualify. (S. 1936, Sec. 922A & 923A)

There isn't space to describe all the provisions of Mr. Kennedy's "simple, moderate bill" -- for that bill is an outlandish 84 pages long, with more hooks than a fishing tackle store.

As President, Ted Kennedy would unquestionably continue to be a constant foe of sportsmen and firearms owners; and I don't care what kind of soothing words he's giving you now. The office of President would give Ted Kennedy powers he never had as a Senator--Presidential powers to grant rewards and punishments depending upon a Congressman's level of support for the Presidents' programs.

Executive agencies--from the Bureau of Alcohol, Tobacco, and Firearms to the Department of Interior to the U.S. Fish & Wildlife Service--would be subject to his influence. Not to mention the power of appointment to Presidential commissions.

Today, more so than ever, sportsmen and firearms owners around the country are facing numerous powerful lobbying groups all aimed at restricting the right to hunt and shoot. Along with firearms ownership, issues such as wilderness designation and access, Rare II land, Alaskan lands, and Pittman-Robertson funding all have an impact on the hunter, shooter, and sportsman.

Given his record, it's beyond imagination that sportsmen would be given a fair shake from a Ted Kennedy administration.

I know I want my children and grandchildren to engage in the pastime of hunting and shooting. Yet, this won't happen unless we are willing to make a commitment and stand up for our beliefs at election time. On February 26th, if you're a Democrat, join your fellow sportsmen in going to the polls and defeating Ted Kennedy. If you are not a Democrat, urge your friends to do so.

There are those who say that Kennedy is out of the race. I don't believe it.

But if you and the other sportsmen of New Hampshire vote him down--by an overwhelming margin--<u>you will be voting him out of the Presidential race.</u>

We're counting on you!

"IF KENNEDY WINS -- YOU LOSE"

Sincerely,

Neal Knox
Executive Director

P.S. The enclosed bumper sticker was purchased by the NRA Political Victory Fund (NRA-PVF). The NRA-PVF is opposing Kennedy by distributing bumper stickers, purchasing ads and informing other hunters and sportsmen about Kennedy's record. Your contribution to the NRA-PVF will help spread the word.

Thanks to Uncle Sam, you may subtract from your income tax bill one half the amount you donate to the NRA-PVF up to a total tax credit of $50 per individual and $100 per joint return.

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KENNEDY FOR PRESIDENT
1701 22nd Street, N. W.
Washington, D. C. 20008

Charles N. Steele, Esquire
General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C.

BY MESSENGER

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1193

Date Filmed 5/16/80 Camera No. --- 2

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