FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1555

Date Filmed 11/17/83 Camera No. --- 3

Cameraman JRL

FEDERAL ELECTION COMMISSION

12 Day Report

Routing Slips

Commission Comment Sheet

Handwritten note deleted pursuant to 7(C) personnel privacy.

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

____	(1) Classified Information	____	(6) Personal privacy
____	(2) Internal rules and practices	____	(7) Investigatory files
____	(3) Exempted by other statute	____	(8) Banking Information
____	(4) Trade secrets and commercial or financial information	____	(9) Well Information (geographic or geophysical)
____	(5) Internal Documents		

Signed J Shepard

Date Nov 7, 1983

FEC 9-21-77

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1555
Don Ritter for Congress Committee	)	
HGF Management Corporation	)	
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 7, 1983, the Commission decided by a vote of 5-0 to take the following actions in MUR 1555:

1. Find no reason to believe the Lehigh Valley Senior Citizens Advisory Committee violated the Act.

2. Approve the sending of the letter to Lehigh Valley Senior Citizens Advisory Committee as attached to the General Counsel's Report signed November 2, 1983.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter; Commissioner McDonald did not cast a vote.

Attest:

11-8-83
Date

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

Received in Office of Commission Secretary: 11-3-83, 11:04
Circulated on 48 hour tally basis: 11-3-83, 4:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 9, 1983

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On October 14, 1983, a letter was sent to the Lehigh Valley Senior Citizens Advisory Committee in care of your office. The letter stated that the Commission, on October 12, 1983, had found no reason to believe that a violation of any statute within its jurisdiction has been committed.

It has recently come to our attention that the recommendation to find no reason to believe that the Citizens Advisory Committee violated the Act was inadvertently omitted from the report. The Commission was notified of the inadvertency, and found no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated any statute within its jurisdiction on November 7, 1983.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On October 14, 1983, a letter was sent to the Lehigh Valley Senior Citizens Advisory Committee in care of your office. The letter stated that the Commission, on October 12, 1983, had found no reason to believe that a violation of any statute within its jurisdiction has been committed.

It has recently come to our attention that the recommendation to find no reason to believe that the Citizens Advisory Committee violated the Act was inadvertently omitted from the report. The Commission was notified of the inadvertency, and found no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated any statute within its jurisdiction on November , 1983.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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JT
11/8/83

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: November 3, 1983

SUBJECT: MUR 1555 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

83 NOV 3 A11:04

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Don Ritter for Congress Committee	)	
HGF Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On October 12, 1983, the Commission voted upon recommendations contained in the General Counsel's Report dated October 6, 1983, for MUR 1555 to find no reason to believe and close the file. However, after reviewing the Commission's certification, the Office of General Counsel discovered that the report inadvertently omitted a specific recommendation to find no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated the Act.1/ The Office of General Counsel, therefore, recommends that the Commission find no reason to believe as to the Lehigh Valley Senior Citizens Advisory Committee. The General Counsel's Report dated October 6, 1983, which contains an analysis of this matter is attached for the Commission's review.2/

1/ The Commission, however, approved a letter attached to the report notifying Lehigh Valley Senior Citizens Advisory Committee that no reason to believe had been found.

2/ A recommendation to close the file was contained in the October 18, 1983 General Counsel's Report and voted upon at that time.

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II. RECOMMENDATION

1. Find no reason to believe the Lehigh Valley Senior Citizens Advisory Committee violated the Act; and

2. Approve the sending of the attached letter to Lehigh Valley Senior Citizens Advisory Committee

Charles N. Steele
General Counsel

November 2, 1983
Date

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

Attachment:
General Counsel's Report dated October 6, 1983
Letter

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

83 OCT 6 P2: 37

In the Matter of	)	
	)	
Don Ritter for Congress	)	
HFG Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

A. Allegations:

The complaint, filed by Richard Orloski, contains the same allegations as alleged in his previously filed complaint numbered MUR 1476. This complaint, however, rebuts the response of the Don Ritter for Congress Committee ("Ritter Committee") to the allegations in MUR 1476 and submits additional information concerning the violation.

The allegations center around a picnic held by the Lehigh Valley Senior Citizens Advisory Committee ("SCAC") 38 days before the general election. Orloski alleges that the event is political in nature and advocated the re-election of Ritter; thereby making the donations of food and transporation, illegal corporate contributions.

To support his allegation that the picnic was a political event, Orloski states that campaign workers were at the picnic, the park was ringed with posters urging the re-election of Ritter, political literature was distributed, labels were worn by workers which were paid for by the Ritter Committee, after the picnic the Lehigh Valley Senior Citizens Advisory Committee did

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ATTACHMENT I

radio ads for the Ritter Campaign, and lastly, the Lehigh Valley Senior Citizens Advisory Committee did not meet in 1982 making the planning of the event virtually impossible.

Letters were sent to the respondents on June 15, 1983, notifying them of the filing of the complaint. J. Jackson Eaton as counsel for the Don Ritter for Congress Committee submitted a response on August 12, 1983.

B. Ritter Committee Response

The response submitted by the Ritter Committee denies the charges by the complainant that the Lehigh Valley Senior Citizens Advisory Committee's picnic was a political rally in support of Congressman Ritter's re-election. The Ritter Committee denies that the picnic expressly advocates the election of Congressman Ritter or the defeat of Orloski or that contributions were solicited or accepted.

The response repeats the background presented by the Ritter Committee in MUR 1476. Specifically, that the Lehigh Valley Senior Citizens Advisory Committee was one of several issue oriented, non-political, non-partisan advisory groups established by the Congressman several years ago. The groups are composed of concerned community leaders who met with the Congressman periodically to discuss and exchange views on various issues. The Ritter Committee contends that on September 25, 1982, the SCAC held a gathering at which no speeches were made, no campaign literature was passed out, no campaign staff members were presented, and no posters or other campaign material was available.

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A list of the members who comprise the SCAC was submitted. The Ritter Committee states that the list shows the individual members together with positions they hold in other Senior Citizens' organizations and institutions. The Ritter Committee claims that the material available at the picnic consisted of social security handbooks, medicare handbooks, retirement literature and consumer brochures. A Senior Citizens report bearing Ritter's name was available, it had previously been distributed to constituents through the Congressman's Congressional office via franked mail. A copy of the senior citizens report was submitted with the response. Notice of the event was also included in a mailing approved by the Franking Commission.

The Ritter Committee responded separately to each allegation.

Free Food: There is no denial that free food and transportation were provided by McCormack Equipment, Inc., Newhart Foods, Inc., and HCF Management Corporation.

Campaign staff members: The Ritter Committee acknowledges that Alex Rosza, Jeff Werley, and Joe McHugh were at the picnic. However, the Committee denies that Rosza was the campaign manager or a campaign staff member. The Committee points out that Rosza

was a member of the Congressman's Legislative Staff and Lehigh Valley Administrator for Ritter. Mr. Ritter's Campaign Manager was John Kachmar. Werley and McHugh were congressional staff members who attended the event. After the picnic, McHugh became assistant campaign manager at which time he took a leave of absence from the congressional office. Copies of payroll authorizations showing terminations of Kachmar and McHugh from the congressional payroll were submitted by the Committee.

Political literature - The Ritter Committee submitted a copy of the name tag worn by each person attending the function. The Ritter Committee points out that the tags do not have the Congressman's name printed on them as alleged by Orloski. The response indicates that Congressional staff members may have used tags identifying them as part of Congressman Ritter's staff, however, no election tags were used.

The Ritter Committee also addressed the issue of a mailer previously approved by the Franking Commission and mailed to constituents. It responded that the Franking Committee does not approve the mailing of political mailing at any time and does not approve the use of Franking privilege 60 days prior to an election regardless of the nature of literature. Therefore, the Ritter Committee argues that the complainant's allegation that the Franking Commission determined the mailer to be political is untrue.

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As to the posters, the Ritter Committee contends that there were posters in the vicinity of the park as well as throughout the district. However, no political posters, literature, or buttons were in the park except those handed out by the Orloski staff for a period of time.

Radio ads: The Ritter Committee submitted a copy of the only radio ad which makes mention of SCAC. It contends that the ad only mentions that SCAC had been formed by the Congressman and does not suggest an endorsement.

Senior Citizens Committee Meetings: The Ritter Committee states that SCAC met three times in 1982. The congressional form letters which were sent to SCAC members were submitted by the Committee.

Threats: The Ritter Committee denies that any physical threats were made by the congressional staff to the Orloski representatives.

Ethnic Day: The Ritter Committee notes that Orloski did not make any specific allegations concerning the Ethnic Day picnic. However, it denies that it was turned into a political event by the Congressman, that campaign aids were in charge, and that the Congressman made a political speech.

On September 2, 1983, the Ritter Committee submitted 22 photographs of the Senior Citizens Day picnic. The Committee states the pictures show that no campaign posters were at the event and no campaign buttons were used.

II. LEGAL ANALYSIS

(a) The law applicable

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [federal election]." 2 U.S.C. § 441b(b)(2).

(b) Application of the law to the facts

The issue to be considered in this matter is whether the SCAC picnic was a political event. If the event is considered political, the donations of free food and transporation provided by HFG Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. would constitute corporate contributions in connection with Congressman Ritter's re-election in violation of 2 U.S.C. § 441b(a).

The Commission in Advisory Opinions 1980-89, 1980-22, and 1980-16 addressed instances in which Congressmen, who are candidates for re-election, may participate in activities which are not for the major purpose of influencing or in connection with the Congressmen's re-election. In these AO's, the Commission decided that under certain circumstances the cost of

activities involving the appearances of candidates for Federal office would not constitute a "contribution" or "expenditure". The opinions were conditioned on: 1) the absence of any communication expressly advocating the nomination or election of the person appearing or the defeat of any other candidate; and 2) the avoidance of any solicitation, making or acceptance of campaign contribution for the candidate in connection with the activity.

The first question to be addressed is whether there were any communications at the picnic which expressly advocated the election of Congressman Ritter or the defeat of Orloski. Orloski alleges that literature, buttons, posters and a speech expressly advocated Ritter's re-election.

The Ritter Committee submitted copies of literature available at the picnic which contained Ritter's name and a copy of the buttons worn by people attending the picnic. The literature and button appear to be void of any communication expressly advocating the Congressman's re-election or Orloski's defeat. A copy of the button worn by the individuals in charge of the picnic was not submitted by Ritter's Committee. In its response, the Ritter Committee states that some staff members of Congressman Ritter's staff may have had tags identifying them as such, but no election tags were used.

As to posters Orloski alleges that the perimeter of the park was surrounded and certain intersections plastered with political posters. Ritter's Committee acknowledges that political posters were in the vicinity of the park as well as throughout the

district; but contends that none were in the park. As there is no allegation or evidence that the posters were in the area of the park where the picnic was held, it appears that the posters would not constitute a communication at the event.

Orloski alleges that Ritter made a political speech at the picnic, the Ritter Committee denies the allegation. However, from Orloski's representation of the alleged speech, the Congressman would not have expressly advocated his re-election. The speech, as summarized by Orloski in his complaint, appears to be that of an officeholder addressing his constituents on a particular subject.

Orloski made additional allegations questioning who organized the picnic, alleging that campaign aides were in attendance at the picnic, and that SCAC endorsed Ritter in a radio ad after the picnic. The respondent has answered these allegations in detail. Specifically, SCAC met three times in 1982 at which time the plans for the picnic were discussed, no campaign aides were present at the picnic, and the only radio ad mentioning the Senior Citizens Advisory Committee states that the Congressman organized the committee, no endorsement was made by SCAC.

The second question which needs addressing is whether there was any solicitation or acceptance of contributions at the picnic. Orloski does not make any allegations on this subject and the Ritter Committee denies the solicitation or acceptance of

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any contribution at the picnic.

Therefore, in accordance with the guidelines set forth in the advisory opinions previously cited, the picnic sponsored by the Lehigh Valley Senior Citizens Advisory Committee appears to have been held for the purpose of carrying out Congressman Ritter's duties as an officeholder and donations of food and transportation would not be considered "contributions".

The Office of General Counsel recommends finding no reason to believe the Don Ritter for Congress Committee violated the Act and no reason to believe HCF Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. violated the Act.

III. RECOMMENDATION

1. Find no reason to believe the Don Ritter for Congress Committee violated the Act.

2. Find no reason to believe HGF Management Corporation, Newhart Foods, Inc. and McCormack Equipment, Inc. violated the Act.

3. Send the attached letters.

Charles N. Steele
General Counsel

October 6, 1983
Date

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

Attachments:
Ritter Response (8/11/83) pgs. 1-32
Ritter Response (9/2/82) pgs 33-41
Proposed Letters pgs. 42-46

8304400015

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On October 14, 1983, a letter was sent to the Lehigh Valley Senior Citizens Advisory Committee in care of your office. The letter stated that the Commission, on October 12, 1983, had found no reason to believe that a violation of any statute within its jurisdiction has been committed.

It has recently come to our attention that the recommendation to find no reason to believe that the Citizens Advisory Committee violated the Act was inadvertently omitted from the report. The Commission was notified of the inadvertency, and found no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated any statute within its jurisdiction on November , 1983.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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ATTACHMENT II

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1555
Don Ritter for Congress	)	
HFG Management Corporation	)	
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 12 1983, the Commission decided by a vote of 5-0 to take the following actions in MUR 1555:

1. Find no reason to believe the Don Ritter for Congress Committee violated the Act.

2. Find no reason to believe HGF Management Corporation, Newhart Foods, Inc. and McCormack Equipment, Inc. violated the Act.

3. Send the letters as submitted with the General Counsel's October 6, 1983 Memorandum to the Commission.

Commissioners Aikens, Elliott, Harris, McGarry and Reiche voted affirmatively in this matter.

Attest:

10-12-83
Date

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

Received in Office of Commission Secretary: 10-6-83, 2:37
Circulated on 48 hour tally basis: 10-7-83, 2:00

83040440020

THEDFORD MUR 1555

PS Form 3811, July 1982

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ____¢
   - ☐ Show to whom, date, and address of delivery .. ____¢
2. ☐ RESTRICTED DELIVERY ..... ____¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $____

3. ARTICLE ADDRESSED TO:
LEHIGH VALLEY SENIOR CITIZENS
ADVISORY COMMITTEE
C/O THE HONORABLE DONALD RITTER
124 CANNON HOUSE Building, WASH DC

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☒ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
943762

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Mary Wilson

5. DATE OF DELIVERY

POSTMARK (Margin on reverse side)
OCT 1980

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

*GPO: 1982-378-593

MUR 1555 THEDFORD

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On June 15, 1983, the Commission notified the Lehigh Valley Senior Citizens Advisory Committee of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on Ocotber 12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On June 15, 1983, the Commission notified the Lehigh Valley Senior Citizens Advisory Committee of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on ~~September~~ October 12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

10/14/83

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THEDFORD (MUR 1555)

PS Form 3811, July 1982

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
HAROLD FINNER
HFG MANAGEMENT CORPORATION
HOTEL TAYLOR
ALLENTOWN, PENN. 18105

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
943764

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Harold G. Finner

5. DATE OF DELIVERY
10/17/83

RESTRICTED DELIVERY (may be ordered after mailing)

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

*GPO: 1982-378-003

THEDFORD (MUR 1555)

OCT 19 P 2:

RECEIVED FEC

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harold Fulmer
HFG Mangagement Corp.
Hotel Traylor
Allentown, Pennsylvania 18105

Re: MUR 1555

Dear Mr. Fulmer:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harold Fulmer
HFG Mangagement Corp.
Hotel Traylor
Allentown, Pennsylvania 18105

Re: MUR 1555

Dear Mr. Fulmer:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on ~~September~~ 10/12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

10/14/83

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Shedford MUR-1555

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Stanley McCormack
McCormack Equipment, Inc.
Preston Lane Center Valley Pa 18

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☑ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
943763

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
10/18/82

POSTMARK (On reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7b. EMPLOYEE'S INITIALS

RETURN RECEIPT

GPO: 1983-379-803

MUR 1555 - Shedford

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley McCormack
McCormack Equipment, Inc.
Preston Lane
Center Valley, Pennsylvania 18105

Re: MUR 1555

Dear Mr. McCormack:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley McCormack
McCormack Equipment, Inc.
Preston Lane
Center Valley, Pennsylvania 18105

Re: MUR 1555

Dear Mr. McCormack:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on ~~September~~ October 12, 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

10/4/83

Thedford - MUR 1555

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO: J. Jackson Eaton, II
BUTZ, HUDDERS + TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENN, 18101

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☒ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 943765

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Donna Zuzi

5. DATE OF DELIVERY: OCT 17 1983

POSTMARK (only to be on reverse side)

OCT 17 1983

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE INITIALS

RETURN RECEIPT

★ GPO: 1982-370-863

Thedford - MUR 1555

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

Re: MUR 1555

Dear Mr. Jackson:

On June 15, 1983, the Commission notified your clients, the Don Ritter for Congress Committee and Newhart Foods, Inc., of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on October 12, 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

83040440031

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

14/14/83

Hedford - MUR 1555

PS Form 3811, July 1982

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO: Richard J. Orlosky
Orlosky for Congress Committee
446 Linden Street
Allentown, PA 18102

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☐ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 943766

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Carol A. [illegible]

5. DATE OF DELIVERY: OCT 17 1983

POSTMARK (indicate date of delivery if different from reverse side): OCT 17 1983 ALLENTOWN PA 18101 REGISTRY SECTION

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-378-555

Hedford - MUR 1555

Redford - MUR 1555

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... $
   - ☒ Show to whom, date, and address of delivery .. $
2. ☐ RESTRICTED DELIVERY ..... $
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO: Richard J. Orlosky
Orlosky for Congress Committee
446 Linden Street
Allentown PA 18102

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☐ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
943766

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
Carol A. [illegible]

5. DATE OF DELIVERY
OCT 17 1983

POSTMARK
(may be on reverse side)
OCT 17 1983
ALLENTOWN PA 181

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-379-503

Redford - MUR 1555

83040440033

Hedford - MUR 1555

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ___¢
   - ☒ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ..... ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. ARTICLE ADDRESSED TO: Richard J. Ortlieb
Ortlieb for Congress Committee
446 Linden Street
Allentown PA 18102

4. TYPE OF SERVICE:
   - ☐ REGISTERED
   - ☐ INSURED
   - ☐ CERTIFIED
   - ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER: 943766

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

X Carol A. [illegible]

5. DATE OF DELIVERY: OCT 17 1983

POSTMARK (Mail only on reverse side): OCT 17 1983 ALLENTOWN PA 18101 REGISTRY SECTION

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

RETURN RECEIPT

★ (GPO: 1983-379-565)

Hedford - MUR 1555

83044 0033

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 14, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1555

Dear Mr. Orloski:

The Federal Election Commission has reviewed the allegations of your complaint dated June 6, 1983, and determined that on the basis of the information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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446 Linden Street
Allentown, Pennsylvania 18102

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Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

83040140056

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS/JAN SAVAGE JS

DATE: OCTOBER 11, 1983

SUBJECT: COMMENTS RE: MUR 1555 General Counsel's Report signed October 6, 1983

Attached is a copy of Commissioner Reiche's vote sheet with comments regarding MUR 1555.

ATTACHMENT:
Copy of Vote Sheet

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: October 6, 1983

SUBJECT: MUR 1555 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[X]	Compliance	[X]
Sensitive	[X]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[ ]	Litigation	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

83 OCT 6 P2:37

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Don Ritter for Congress	)	
HFG Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

A. Allegations:

The complaint, filed by Richard Orloski, contains the same allegations as alleged in his previously filed complaint numbered MUR 1476. This complaint, however, rebuts the response of the Don Ritter for Congress Committee ("Ritter Committee") to the allegations in MUR 1476 and submits additional information concerning the violation.

The allegations center around a picnic held by the Lehigh Valley Senior Citizens Advisory Committee ("SCAC") 38 days before the general election. Orloski alleges that the event is political in nature and advocated the re-election of Ritter; thereby making the donations of food and transporation, illegal corporate contributions.

To support his allegation that the picnic was a political event, Orloski states that campaign workers were at the picnic, the park was ringed with posters urging the re-election of Ritter, political literature was distributed, labels were worn by workers which were paid for by the Ritter Committee, after the picnic the Lehigh Valley Senior Citizens Advisory Committee did

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radio ads for the Ritter Campaign, and lastly, the Lehigh Valley Senior Citizens Advisory Committee did not meet in 1982 making the planning of the event virtually impossible.

Letters were sent to the respondents on June 15, 1983, notifying them of the filing of the complaint. J. Jackson Eaton as counsel for the Don Ritter for Congress Committee submitted a response on August 12, 1983.

B. Ritter Committee Response

The response submitted by the Ritter Committee denies the charges by the complainant that the Lehigh Valley Senior Citizens Advisory Committee's picnic was a political rally in support of Congressman Ritter's re-election. The Ritter Committee denies that the picnic expressly advocates the election of Congressman Ritter or the defeat of Orloski or that contributions were solicited or accepted.

The response repeats the background presented by the Ritter Committee in MUR 1476. Specifically, that the Lehigh Valley Senior Citizens Advisory Committee was one of several issue oriented, non-political, non-partisan advisory groups established by the Congressman several years ago. The groups are composed of concerned community leaders who met with the Congressman periodically to discuss and exchange views on various issues. The Ritter Committee contends that on September 25, 1982, the SCAC held a gathering at which no speeches were made, no campaign literature was passed out, no campaign staff members were presented, and no posters or other campaign material was available.

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A list of the members who comprise the SCAC was submitted. The Ritter Committee states that the list shows the individual members together with positions they hold in other Senior Citizens' organizations and institutions. The Ritter Committee claims that the material available at the picnic consisted of social security handbooks, medicare handbooks, retirement literature and consumer brochures. A Senior Citizens report bearing Ritter's name was available, it had previously been distributed to constituents through the Congressman's Congressional office via franked mail. A copy of the senior citizens report was submitted with the response. Notice of the event was also included in a mailing approved by the Franking Commission.

The Ritter Committee responded separately to each allegation.

Free Food: There is no denial that free food and transportation were provided by McCormack Equipment, Inc., Newhart Foods, Inc., and HCF Management Corporation.

Campaign staff members: The Ritter Committee acknowledges that Alex Rosza, Jeff Werley, and Joe McHugh were at the picnic. However, the Committee denies that Rosza was the campaign manager or a campaign staff member. The Committee points out that Rosza

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was a member of the Congressman's Legislative Staff and Lehigh Valley Administrator for Ritter. Mr. Ritter's Campaign Manager was John Kachmar. Werley and McHugh were congressional staff members who attended the event. After the picnic, McHugh became assistant campaign manager at which time he took a leave of absence from the congressional office. Copies of payroll authorizations showing terminations of Kachmar and McHugh from the congressional payroll were submitted by the Committee.

Political literature - The Ritter Committee submitted a copy of the name tag worn by each person attending the function. The Ritter Committee points out that the tags do not have the Congressman's name printed on them as alleged by Orloski. The response indicates that Congressional staff members may have used tags identifying them as part of Congressman Ritter's staff, however, no election tags were used.

The Ritter Committee also addressed the issue of a mailer previously approved by the Franking Commission and mailed to constituents. It responded that the Franking Committee does not approve the mailing of political mailing at any time and does not approve the use of Franking privilege 60 days prior to an election regardless of the nature of literature. Therefore, the Ritter Committee argues that the complainant's allegation that the Franking Commission determined the mailer to be political is untrue.

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As to the posters, the Ritter Committee contends that there were posters in the vicinity of the park as well as throughout the district. However, no political posters, literature, or buttons were in the park except those handed out by the Orloski staff for a period of time.

Radio ads: The Ritter Committee submitted a copy of the only radio ad which makes mention of SCAC. It contends that the ad only mentions that SCAC had been formed by the Congressman and does not suggest an endorsement.

Senior Citizens Committee Meetings: The Ritter Committee states that SCAC met three times in 1982. The congressional form letters which were sent to SCAC members were submitted by the Committee.

Threats: The Ritter Committee denies that any physical threats were made by the congressional staff to the Orloski representatives.

Ethnic Day: The Ritter Committee notes that Orloski did not make any specific allegations concerning the Ethnic Day picnic. However, it denies that it was turned into a political event by the Congressman, that campaign aids were in charge, and that the Congressman made a political speech.

On September 2, 1983, the Ritter Committee submitted 22 photographs of the Senior Citizens Day picnic. The Committee states the pictures show that no campaign posters were at the event and no campaign buttons were used.

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II. LEGAL ANALYSIS

(a) The law applicable

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [federal election]." 2 U.S.C. § 441b(b)(2).

(b) Application of the law to the facts

The issue to be considered in this matter is whether the SCAC picnic was a political event. If the event is considered political, the donations of free food and transporation provided by HFG Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. would constitute corporate contributions in connection with Congressman Ritter's re-election in violation of 2 U.S.C. § 441b(a).

The Commission in Advisory Opinions 1980-89, 1980-22, and 1980-16 addressed instances in which Congressmen, who are candidates for re-election, may participate in activities which are not for the major purpose of influencing or in connection with the Congressmen's re-election. In these AO's, the Commission decided that under certain circumstances the cost of

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activities involving the appearances of candidates for Federal office would not constitute a "contribution" or "expenditure". The opinions were conditioned on: 1) the absence of any communication expressly advocating the nomination or election of the person appearing or the defeat of any other candidate; and 2) the avoidance of any solicitation, making or acceptance of campaign contribution for the candidate in connection with the activity.

The first question to be addressed is whether there were any communications at the picnic which expressly advocated the election of Congressman Ritter or the defeat of Orloski. Orloski alleges that literature, buttons, posters and a speech expressly advocated Ritter's re-election.

The Ritter Committee submitted copies of literature available at the picnic which contained Ritter's name and a copy of the buttons worn by people attending the picnic. The literature and button appear to be void of any communication expressly advocating the Congressman's re-election or Orloski's defeat. A copy of the button worn by the individuals in charge of the picnic was not submitted by Ritter's Committee. In its response, the Ritter Committee states that some staff members of Congressman Ritter's staff may have had tags identifying them as such, but no election tags were used.

As to posters Orloski alleges that the perimeter of the park was surrounded and certain intersections plastered with political posters. Ritter's Committee acknowledges that political posters were in the vicinity of the park as well as throughout the

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district; but contends that none were in the park. As there is no allegation or evidence that the posters were in the area of the park where the picnic was held, it appears that the posters would not constitute a communication at the event.

Orloski alleges that Ritter made a political speech at the picnic, the Ritter Committee denies the allegation. However, from Orloski's representation of the alleged speech, the Congressman would not have expressly advocated his re-election. The speech, as summarized by Orloski in his complaint, appears to be that of an officeholder addressing his constituents on a particular subject.

Orloski made additional allegations questioning who organized the picnic, alleging that campaign aides were in attendance at the picnic, and that SCAC endorsed Ritter in a radio ad after the picnic. The respondent has answered these allegations in detail. Specifically, SCAC met three times in 1982 at which time the plans for the picnic were discussed, no campaign aides were present at the picnic, and the only radio ad mentioning the Senior Citizens Advisory Committee states that the Congressman organized the committee, no endorsement was made by SCAC.

The second question which needs addressing is whether there was any solicitation or acceptance of contributions at the picnic. Orloski does not make any allegations on this subject and the Ritter Committee denies the solicitation or acceptance of

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any contribution at the picnic.

Therefore, in accordance with the guidelines set forth in the advisory opinions previously cited, the picnic sponsored by the Lehigh Valley Senior Citizens Advisory Committee appears to have been held for the purpose of carrying out Congressman Ritter's duties as an officeholder and donations of food and transportation would not be considered "contributions".

The Office of General Counsel recommends finding no reason to believe the Don Ritter for Congress Committee violated the Act and no reason to believe HCF Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. violated the Act.

III. RECOMMENDATION

1. Find no reason to believe the Don Ritter for Congress Committee violated the Act.

2. Find no reason to believe HGF Management Corporation, Newhart Foods, Inc. and McCormack Equipment, Inc. violated the Act.

3. Send the attached letters.

Charles N. Steele
General Counsel

October 6, 1983
Date

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

Attachments:
Ritter Response (8/11/83) pgs. 1-32
Ritter Response (9/2/82) pgs 33-41
Proposed Letters pgs. 42-46

8 3 0 4 0 4 0 0 1 7

Gcc # 653
83 AUG 12 A10:37

LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
439-1451
TELECOPIER 215 439-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCYK
GILBERT J. NEGRETE, JR.
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFNER*

O. JACOB TALLMAN
(1928-1967)

HAROLD A. BUTZ
(1923-1969)

THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN NEW YORK

August 11, 1983

83 AUG 12 A11:29

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 1555

Dear Mr. Gross:

I am responding to your letter of June 15, 1983, on behalf of the Don Ritter For Congress Committee (Jerome Kindracnuk, Treasurer) regarding the allegations contained in the attachment to that letter. That attachment containing the allegations was a June 6, 1983 letter from Richard Orloski which will hereafter simply be referred to as the "letter". We have some difficulty in responding to the letter because of its rambling and repetitive nature. We will respond to each of the allegations as they may appear in the letter which appear to support the Orloski allegation.

Stipulation with respect to MUR 1476. On November 10, 1982 the FEC found the Don Ritter For Congress Committee had not violated the Federal Election Campaign Act with respect to a certain senior citizen picnic as alleged by Mr. Orloski. Orloski thereafter took an appeal to the United States District Court for the District of Columbia (No. 83-0026) asking for review and reversal of the FEC decision. In his letter of June 6, 1983, Orloski seems to suggest that the parties stipulated the Court should not review the November 10, 1982 FEC decision until such time as the FEC had an opportunity to reconsider its position in MUR 1476:

"After motions and briefs were filed, but before review by the Court, the parties stipulated on May 13, 1983 that the matter '...should not be reviewed by the Court prior to providing the FEC an opportunity to determine if the allegations established reason to believe a violation of FECA occurred...'" (June 6, 1983 letter, pp. 2, 3).

Contrary to the implication of the letter, the stipulation does not suggest that the FEC decision was wrong or that the FEC was going to reconsider its decision in MUR 1476. The quoted language in the letter referred not to the original allegations, but to "additional factual allegations that have come to his (Orloski's) attention which have not been presented to the Commission...". The District Court's stipulation, indeed, provided a summary judgment in favor of the FEC in the MUR 1476 matter. The stipulation merely provided in paragraph 2 thereof that Orloski had the right to file a new complaint "containing the additional factual allegations which have come to Plaintiff's attention since the FEC's dismissal of the administrative complaint upon which this case is based."

While we are certain that the FEC is fully aware of the nature of that stipulation, we felt constrained to point out that the implications that the original MUR 1476 decision was in error or subject to review was misplaced.

Nature of the Event. Orloski's claim generally seems to be that "Donald Ritter's Lehigh Valley Senior Citizens Advisory Committee held a political rally in support of Congressman Ritter's reelection campaign" (letter, p. 2) and that certain corporations contributed free food and beverages to the event thereby effecting an illegal corporate contribution. These are the same general charges raised in MUR 1476. The charge is denied, and by way of background we will repeat our general historical review of the situation which was set forth in our response in the previous complaint.

Several years ago, Congressman Don Ritter established several issue-oriented, non-political, non-partisan advisory groups composed of community leaders in various areas of public concern to meet with him periodically for an exchange of views and discussion on such areas of interest. These groups have met periodically in election years and non-election years and in all seasons. The times of such meetings have generally been spaced

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so that the meetings with the various groups are spread over the course of the year.

One of such groups was the Senior Citizens Advisory Council organized in mid 1979. Comprised of community leaders in matters involving senior citizens, it has met periodically over the last three years with Don Ritter and staff members to discuss senior citizen legislation problems, constituent case work, and so forth. On September 25, 1982, the advisory council held a gathering at which no campaign speeches were made, no political literature was posted or passed out, and no campaign staff members were present. However, Mr. Orloski's campaign workers were present and did pass out Orloski campaign literature. A social security administration representative, senior citizens' service groups, Ritter legislative staff and case workers were present to answer questions and provide specific assistance and information to those present.

The advisory council is not now nor ever has been a political campaign committee. It has consistently functioned as a group for assistance in the legislative process. The Senior Citizens Advisory Council was established by Don Ritter in 1979 to provide advice and an interchange of views with leaders in the community involving issues of concern to the elderly. It is non-partisan and advisory. There has never been any requirement for or even determination of party affiliation of its members. The leaders of the council tend to hold other positions, many of which are completely inconsistent with the partisan or political role. We have enclosed a list of members of the council, together with positions which they hold in organizations and institutions relating to senior citizens (Attachment "A"). Over the past years, meetings of this council have discussed social security, housing, rising energy costs and so forth. I have enclosed copies of agendas from some of the advisory council meetings in 1979 (Attachment "B"), 1980 (Attachment "C"), and 1981 (Attachment "D"), with regard to the role of council as described.

The picnic of the Senior Citizens Advisory Council was similar to non-political senior citizens gatherings held by Congressman James Coyne and Congressman Peter Kostmeier. It was a working session for senior citizens. Congressman Ritter had a separately employed campaign staff paid by Don Ritter for Congress Committee. None of those staff members attended the

picnic. No posters, pamphlets or other campaign materials from Don Ritter were made available at the function.

Notice of the event was included in a mailing approved by the Franking Commission (Attachment "E"). One staff member from social security administration was present to answer questions, the Heart and Lung Association was present and gave over 75 tests in a diabetes screening program, some were determined to be positive and were referred to their physicians. The Department of Health and Human Services video-tape on social security was shown. One Don Ritter legislative staff member attempted to answer housing problem questions, one legislative staff member attempted to handle social security problems, another legislative staff member attempted to handle miscellaneous congressional inquiries. Hundreds of questions were answered and 20 formal case inquiries were opened by the staff.

Official government publications were available to those who picked them up including social security handbooks, Medicare handbooks, retirement literature and consumer brochures. Only one item of literature containing Don Ritter's name was available to be picked up, and that was a senior citizens' report which had been distributed to constituents through the Congressman's Congressional Office via franked direct mail in July, 1982 after approval by the Franking Commission. It gave information with respect to the status of certain senior citizens legislation and other information helpful to senior citizens (Attachment "F").

Neither the Senior Citizens Advisory Council nor any of the other advisory councils have been used in any fashion to solicit campaign funds to organize or assist in campaign activity.

Free Food. Orloski repeatedly refers to free food and transportation for the senior citizens picnic provided by McCormack Equipment, Inc., H.G.F. Management Corp., and Newhart Foods, Inc. (letter, pp. 2, 3, 6, 8, and 13). These are not "additional factual allegations", and there has never been any question that these corporate entities assisted the senior citizens picnic. The senior citizens picnic was not a campaign rally, event or other such affair and hence it is not a political contribution. Congressman Don Ritter's office has

(4)

always been completely open and clear with regard to the nature of the funding for this event. The only new allegations added by Mr. Orloski in MUR 1555 are that the principals of the corporations in question have in the past made contributions to the Don Ritter for Congress Committee and the fact that one of the corporate principals had run for Republican Political Office and another was a past County Chairman (none of which were facts learned by Mr. Orloski since the FEC's original decision on MUR 1476).

Campaign staff members. The June 6, 1983 letter repeated allegations that members of the Don Ritter for Congress Committee campaign staff were present at the rally. In particular, he made the following allegations: that Alex Rosza was the Don Ritter for Congress Committee Campaign Manager and was present for the entire day (letter, pp. 4, 6, 8, 12), and that he was "in charge of the picnic" (letter, pp. 8, 10). Alex Rosza was not the campaign manager for Don Ritter nor the Don Ritter For Congress Campaign Committee, nor was he a staff member of that committee. FEC records will demonstrate that Rosza was at no time a campaign staff member. The campaign manager was John Kachmar (who had taken a leave of absence without pay from the Congressman's staff). Rosza was a member of Don Ritter's Legislative Staff and served as Lehigh Valley District Administrator for the Congressman. As such, Rosza met with citizens on all aspects of normal legislative matters involving the Congressman's office, including the senior citizens picnic. Orloski also alleges that Jeff Werley and Joe McHugh were campaign staff members who were present the entire day (letter, pp. 7, 8, 12). Both of these individuals were congressional staff members at the time of the event. Their activity as employees of the Don Ritter Congressional Office was limited to apropriate constituent and legislative functions. On October 1, 1982 (after the picnic), Joseph McHugh was named assistant campaign manager and took a leave without pay from the Congressional staff. Jeff Werley never served on the campaign staff. (See attached payroll authorizations showing terminations of Kachmar and McHugh from the Congressman's congressional payroll; Attachments "G" and "H".)

Congressman Ritter made all reasonable efforts to separate campaign staff members and congressional staff members. Alex Rosza, Jeff Werley and Joe McHugh were at the picnic as paid congressional staff members. On pages 6 and 12

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of the letter, Orloski makes the allegation that the campaign staff and congressional committee members were exactly the same. This simply is not the case and records of the campaign staff showing who was working there and being paid from that staff and from a congressional office will show that these were in fact separate and distinct. Mr. Orloski presents no evidence whatsoever to justify this charge.

Political Literature. Mr. Orloski claims that political literature was handed out at the event including a statement that "each person attending the function was given a name tag which had Don Ritter's name on it (letter, p. 4). Each person attending the function was given a tag to identify them as part of the group. One of the tags is enclosed (Attachment "I"), and as can be seen it does not even bear the Congressman's name. Some staff members may have had tags identifying them as members of Congressman Don Ritter's staff, but no election tags were used. (We believe it is unfortunate that Mr. Orloski finds something sinister in the fact that the tags were red, white and blue.)

Additionally, Mr. Orloski makes repeated reference to a certain congressional mailer which had previously been given approval by the Franking Commission (letter pp. 4, 6, 10 and 13). The document in question (Attachment "F"), was mailed to constituents in the Congressional District in July of 1982 and copies of a recent newsletter were available which had been mailed in August, 1982. The statement on page 4 of the letter that the "leaflet was determined by the House Franking Commission to be political and ineligible for franking privileges as of the date of its distribution" is absolutely false and totally misleading. The literature in question had previously been approved as nonpolitical and had been mailed under approval of Franking Commission. If it had been political, it would never had been approved for use of the franking privilege at any time. The Franking Commission, as a rule, does not approve the use of the franking privilege to disseminate any mass mailings within 60 days prior to an election whether or not the literature itself is considered political. There absolutely has never been any determination by the Franking Commission, as alleged by Mr. Orloski, that the literature in question was political. A copy of the same was included in our response to the FEC in the MUR 1476 matter.

It is true that there were political posters in the vicinity of the park. We would add that there were signs on roadways throughout the Congressional District. Mr. Orloski may or may not have been able to "match" the number of posters placed by Mr. Ritter in the District, but that is hardly the basis of a Federal Election Commission complaint. There were no political posters or political literature or political buttons in the park where the picnic was held with the exception of that material handed out for a period of time by members of Mr. Orloski's campaign staff.

Radio Ads. Orloski claims that "the radio ads paid for by the Don Ritter for Congress Committee indicated that the Advisory Committee was recommending Don Ritter's reelection." (letter p. 5; see also pp. 4, 12 and 13). That statement is patently untrue and is typical of the absolute falsehoods which are found in these charges. Attached is the only radio advertisement which makes any mention of the Senior Citizens Advisory Council and the only statement therein was a recapitulation of the fact that Congressman Ritter had, in fact, formed a Senior Citizens Advisory Council for the purpose of keeping him informed on senior citizens matters. (Attachment "J"). It does not in any way suggest an endorsement.

Senior Citizens Committee Meetings. Orloski charges that the Senior Citizens Committee met only three times in three years (letter, pp. 4, 9,) met only once after the 1980 election (letter, p. 4) and had no meetings in 1982 (letter, p. 13). The political or non-political nature of an organization is not determined by the number of times it meets. In any case, Mr. Orloski's statements are false. It is typical of the outlandish charges based on complete lack of any investigation made by Mr. Orloski. Apparently, he assumed that the agendas attached as exhibits to the Don Ritter for Congress Committee response in the MUR 1476 matter were the only meetings of the council. At least he has stated under oath that that is the case. That is in fact not the case. In 1982 the Senior Citizens Advisory Council met three times with good turnouts at each meeting. Enclosed are form congressional letters which went out to Senior Citizens Advisory Council members for meetings on July 26 and August 23, 1982. (Attachments "K" and "L").

Threats. Orloski claims that his representatives were physically threatened at the picnic. (letter, pp. 5, 11, 12 and

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13). About an hour into the event, three members of the Orloski for Congress Committee entered the grounds of the event. None were senior citizens. They were carrying and beginning to pass out Orloski campaign literature. They were approached by the Congressman's District Administrator, Alex Rosza, who told them that this was not a political event and the passing out of political literature was not permitted. They were further told that they could remain provided they would not politic. A member of the crowd, name unknown, told them this was no concern of theirs and they should leave. Again, they were told that this was not a campaign event but they could stay if they wanted to. At no time was anyone threatened, or anyone grabbed, pushed or shoved.

Ethnic Day. Orloski repeats practically all of his allegations regarding the senior citizens picnic with regard to a Lehigh Valley Ethnic Advisory Council event held earlier in the year. We would point out that Orloski is making no claim of any violations of any FECA provisions with regard to the Ethnic Day picnic. We would further point out that Orloski was there and it would seem that Orloski was aware of the facts relating to the Ethnic Day picnic prior to the FEC decision in MUR 1476. Nonetheless, we will respond and specifically deny that the Lehigh Valley Ethnic Day was turned into a political event by Don Ritter, that the Campaign Committee aids were in charge of the event, that Ritter gave a political speech, etc.

Subsequent to the election of Congressman Ritter in early 1979, the Ethnic Advisory Council was formed. Prior to the gala Ethnic Day which included many groups not directly affiliated with the immediate advisory council, other celebrations, commemorations and gatherings were held. For instance, in November 1979 and again in November of 1980, a large commemoration was held in Northampton, Pennsylvania in honor of the Hungarian Freedom Fight of 1956. Congressman Ritter also used the advisory council as a conduit for the dissemination of information with regard to ethnic issues, both to and from Washington. It is not surprising that an all Lehigh Valley Ethnic Day was planned in 1982. This is especially true in light of the Congressman's membership on the Helsinki Commission and other activities on behalf of ethnic groups in the United States and human rights in other countries.

Congressman Ritter did speak briefly and thanked the Ethnic Advisory Council and made some general remarks about the importance of the ethnic community in the Lehigh Valley.

Congressman Ritter has used various advisory councils on different issues in the past. In the matter of MUR 1476, the history of these advisory councils along with detailed exhibits were included. Rather than repeat that information, we adopt the same by reference.

Conclusion. Nowhere in the letter which has become the complaint in MUR 1555 does Mr. Orloski identify "the additional factual allegations which have come to Plaintiff's (Orloski's) attention since the FEC's dismissal of the administrative complaint upon which this case (MUR 1476) is based." Most of the statements are merely a rehash of the original complaint. The factual allegations about name tags given to senior citizens, radio broadcasts, Franking Commission determinations of the political nature of literature, number of meetings of the Senior Citizens Advisory Council, and campaign staff members attending the picnic are demonstrably false.

We repeat, as we said in our response to MUR 1476, that it is no more appropriate for Don Ritter to terminate the functioning of the Senior Citizens Advisory Council than it is to stop answering mail, stop assigning staff members to constituent case problems, close his Lehigh Valley office or withdraw local legislative staff or other such actions near campaign time. Obviously, everything which the Congressman and his legislative staff do in the positive and effective functioning of his congressional office has a positive effect upon the possibility of the Congressman's reelection. That does not mean that every act, affair or function undertaken in that regard is a campaign function. Congressman Ritter did have an active and aggressive campaign committee. This committee, its staff and functions were kept separate and distinct from those of the Congressman's office and those staff members which were pursuing his duties of constituent assistance, consultation and discussion. Our system requires both of these functions to continue even during campaign periods.

At the Senior Citizens Picnic in question there was no communication expressly advocating the nomination or election of Mr. Ritter nor the defeat of Mr. Orloski. Indeed, other than general allegations that it was a political rally or that the picnic advocated the reelection of Congressman Ritter, the letter of June 6 is void of any specifics of such alleged advocacy. Nor was there any solicitation, making or acceptance

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of campaign contributions for Congressman Ritter in connection with the activity. Indeed, it appears from the complaint that other than the contributions to the event itself, there are not even any allegations that the picnic was used to solicit any funds.

The factual statements in this letter are based upon information gathered from and provided by The Don Ritter for Congress Committee, members of the Senior Citizens Advisory Council, Congressman Don Ritter and his legislative staff and is attested to by Jerome Kindrachuk, Treasurer of The Don Ritter for Congress Committee. Mr. Kindrachuk's affidavit to this effect is enclosed together with a completed "Statement of Designation of Counsel."

We invite any further questions which the FEC may have in this matter and will promptly reply to your inquiries. We trust the above information answers all of the allegations made in Mr. Orloski's letter.

Sincerely,

J. JACKSON EATON, III

JJE:pb

cc: Honorable Donald Ritter
Jerome Kindrachuk

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

JEROME KINDRACHUK, being duly sworn according to law, deposes and says that he is the Treasurer of The Don Ritter for Congress Committee, and that as such, he is authorized to make this affidavit on its behalf, and that the facts set forth in the foregoing letter from J. Jackson Eaton, III (attorney for The Don Ritter for Congress Committee) to Kenneth A. Gross are true and correct, partly on his personal knowledge and partly on his information and belief.

Jerome Kindrachuk
Jerome Kindrachuk

SWORN TO AND SUBSCRIBED
before me, this 11th day
of August , 1983.

Karen M. Reichl
Notary Public

Karen M. Reichl, Notary Public
Allentown, Lehigh County, Pennsylvania
My Commission Expires May 19, 1986

(11)

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 1555

NAME OF COUNSEL: J. JACKSON EATON, III, ESQUIRE

ADDRESS: 740 HAMILTON MALL, ALLENTOWN, PA 18101

TELEPHONE: (215) 439-1451

The above-named individual is hereby designated as my counsel and is authorizied to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

August 11, 1983

Date

Jerome Kindrachuk

Signature

NAME: JEROME KINDRACHUK, TREASURER, DON RITTER FOR CONGRESS COMMITTEE

ADDRESS: 2404 LIVINGSTON STREET, ALLENTOWN, PA 18104

HOME PHONE: (215) 432-4789

BUSINESS PHONE: (215) 437-5531

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October 2, 1980

SENIOR CITIZENS ADVISORY COUNCIL

Mr. Robert Czopoth Mgr. - Episcopal House 15th and Walnut Sts. Allentown, PA.	O - 821-0311 H - 865-5422	Coordinator
Mr. Kenneth Ace 209 Kline St. Bangor, PA. 18013	H- 588-5920	
Mr. Chester E. Ayres 33 West Lane Easton, PA. 18042	H- 252-7760	
Mr. A.M. Barber (Buzz) 515 Linden St. Allentown, PA. 18101	O- 435-9577	Employee Benefit & Actuarial Consultant (Pension Fund Exec)
Mrs. Helen Barnes 2524 West Emmaus Avenue Allentown, PA. 18103	H- 797-2734	
Mr. William Bradstreet One Bethlehem Plaza Suite 890 Bethlehem, PA. 18018	O- 865-3002	Proj. Director-Senior Community Serv. Employmen Program
Mrs. Rose Cardine Gross Towers 1337 Allen Street Allentown, PA. 18102	O- 439-0306	Mgr. - Gross Towers
Ms. Josephine Craft Towers East - Apt. 309 1337 Allen St. Allentown, PA. 18102	H- 435-6993	Hi Rise Representative
Mr. James Cunningham Lutheran Manor - Apt. 906 2085 Westgate Drive Bethlehem, PA. 18018	H- 868-2558	
Miss Margaret Danneberger 1434 Lorraine Avenue Bethlehem, PA. 18018	H- 867-3067	
Miss Hilda B. Emmett Apt. 1102 1440 Walnut Street Allentown, PA. 18102	H- 432-3242	

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Mr. Joseph Fortenbaugh Chief Administrator Lehigh Manor House 803 N. Wahneta St. Allentown, PA. 18103	O- 434-6245	
Mrs. Stanley Frantz 14 West Church St. Bethlehem, PA. 18018	H- 867-3248	Active in Sun Inn Society senior citizens groups cancer society
Ms. Elise Geer Monocacy Tower, Apt. 1106 645 Main Street Bethlehem, PA. 18018	H- 866-5088	Hi Rise Representative
Mrs. Sally Gillespie 1461 Roselawn Dr. Bethlehem, PA. 18017	O- 258-6221 Ext. 266	Exec. Director - Meals on Wheels
Mr. Roland Hahn Townhouse Apts. - Apt. 1104 1827 Walnut St. Allentown, PA. 18104	H- 437-6199	Hi Rise Representative
Mrs. Jane Harrington R. D. #7 - Manor Drive Bethlehem, PA. 18015	H- 691-8708	
Mr. Monroe Harwick 4230 Dorney Park Road Allentown, PA. 18104	H- 398-3725	
Mr. Donald O. Hill 1015 Jefferson St. - Apt. 3 Allentown, PA. 18103	H- 434-2469	
Mr. Peter Johnstone Exec. Director Lehigh County Area on Aging R. D. #2 New Tripoli, PA. 18066	H- 285-2351 O- 820-3247	
Mr. E. H. Howell 1840 Eaton Avenue Bethlehem, PA. 18018	H- 867-5246	Retired - Beth. Steel
Ms. Mable J. Lewis Harlan House - Apt. 311 221 S. 4th St. Easton, PA. 18042	H- 253-0747	Hi Rise Representative

Ms. Gerda Newhard 211 Schank Avenue Pen Argyl, PA. 18072	O- 253-9321	Exec. Director Northampton County Area Agency on Aging
Mrs. R. F. Noll 3831 Mechanicsville Road Whitehall, PA. 18052	H- 433-1390	President--Whitehall Senior Citizens Center Retired Nurse
~~Mr. Harold M. Rappert~~ deceased ~~2660 Woodlawn Avenue~~ ~~Easton, PA. 18042~~	H- 252-4576	Retired
Mr. Walter Redash (Walter) 1064 7th St. N. Catasauqua, PA. 18032	H- 264-2209	
Ms. Irene Ringer Meadowview Apts. Slatington, PA. 18080	H- 767-2246	Hi Rise Representative
Mr. George Robinson 211 Edgewood Ave. Easton, PA. 18042	H- 258-7403	Retired Foreman Ingersoll-Rand
Mr. Harold B. Roth 1715 Lincoln St. Bethlehem, PA. 18017	H- 868-5468	Retired - UGI
Mr. David Sahaydak 2985 Westgate Drive Bethlehem, PA. 18018	H-865-5010	Lutheran Manor Mgr.
Mr. Frank Saurman Episcopla House - Apt. 901 1440 Walnut St. Allentown, PA. 18102	H- 434-6484	Hi Rise Representativ3
Mr. William Scharf 602 Hamilton Mall Allentown, PA. 18101	O- 820-9331	Pres. - Progress Associate
~~Mr. Willard Seltzer~~ Franklin Toulza ~~Cedarview Apt. 220~~ 211 ~~4230 Dorney Park Road~~ ~~Allentown, PA. 18104~~	deceased Unlisted number	Hi Rise Representative
Mr. Winsor Seigfried R. D. #3 Bethlehem, PA. 18015	H- 865-3913	Retired fitter/welder Bethlehem Steel

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Miss Dorothy Short 254 Washington Blvd. Bangor, PA. 18013	H- 588-4153	Member, Nortampton County Advisory Council for Senior Citizens
Mr. Robert J. Sipos 1575 Siegfried St. Bethlehem, PA. 18017	O- 435-4886	Manager - B'nai B'rith
Mr. Kenneth Snyder 2207 Washington St. Allentown, PA. 18104	H- 433-5345	Pres. - Allentown Men of Retirement Age
Mr. Henry L. Snyder 640 Benner Road Allentown, PA. 18104	O- 865-3002	Job Developer-Nat'l Retire Teachers Assoc.
Mr. William Soldrich Pres. - Senior Citizens Center S.W. 28th St. & Arcadia Ave. Allentown, PA. 18103	H- 437-6147	
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Mr. Frank Stuber Phoebe Apt. - Apt. 423 1901 Linden St. Allentown, PA. 18104	H- 433-1080	Hi Rise Representative
Ms. S. Elizabeth Taylor Exec. Director Lehigh County Senior Citizens Center S.W. 28th St. & Arcadia Ave. Allentown, PA. 18103	O- 791-0275 H- 434-8438	Exec. Director - Lehigh County Senior Citizens Center
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Sue Williams
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Congressman Don Ritter's

LEHIGH VALLEY SENIOR CITIZENS ADVISORY COUNCIL

(First Meeting)

L.V. Senior Citizens' Perspectives on:

(1) Health

(2) Housing

(3) Food

(4) Energy

(5) Transportation

(6) Jobs

B

(18)

CONGRESSMAN DON RITTER'S

LEHIGH VALLEY SENIOR CITIZENS ADVISORY COUNCIL

SECOND MEETING - January 16, 1980

AGENDA

I. Background on legislation approaches by Rep. Ritter to senior citizen problems.

II. SSI $157 Heating Assistance checks

a. Reaction?
b. Course of Action?

III. Heating Bills

a. CACLV and DPA requirements vary

IV. Housing

a. Year's wait on subsidized housing

V. Social Security

a. HR 6012 would bar taxing Social Security cash benefits

VI. Newsletter Communications

a. Northampton County blanketed, possibly 8,000 recipients of various publications

b. Need greater input from Lehigh County on reaching all senior citizens

C

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DON RITTER
15th District, Pennsylvania
ENERGY AND
COMMERCE COMMITTEE
SUBCOMMITTEES:
HEALTH AND ENVIRONMENT
ENERGY CONSERVATION AND POWER
OVERSIGHT AND INVESTIGATIONS
HELSINKI COMMISSION
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

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Room 212
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Allentown, Pennsylvania 18101
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Room 705
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SENIOR CITIZENS ADVISORY COUNCIL MEETING

JUNE 13, 1981

AGENDA

1. Discussion of the Social Security problem.

2. Discussion of the major proposals being considered.

3. Open discussion of concerns of senior citizens and possible alternatives.

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Congressman DON RITTER

Reports to the L.V.

Reunited at Kennedy Airport: Congressman Ritter helped bring two-year-old Mark Skorka and his grandmother, Ilona Sarodi, out of Communist Hungary. His parents, George and Aniko, had not seen him in 15 months.

Back together again!

July 26, 1982, was a joyous day for George and Aniko Skorka, who were united in New York City with their two-year-old son Mark. For 15 months, Mark had been held hostage in Hungary by Communist officials. For months, as a member of the Commission on Security and Cooperation in Europe (the Helsinki Commission), I had worked and negotiated to help this lovely family get back its only child. Being at the reunion was an experience I wouldn't have missed for anything.

George and Aniko had fled Hungary in spring 1980 and were granted political asylum. They left Hungary because of harassment by Communist officials, which followed George's refusal to report to police on people's discussions in the Budapest restaurant he managed.

After working through normal channels and twice being denied an exit visa for Mark, I decided to introduce a resolution to disapprove renewal of Hungary's most favored nation status. (That shores up Hungary's economy by giving them trade privileges not available to Communist countries.) Shortly thereafter, the Hungarians issued the visa and I withdrew the resolution.

That should have been the end of it. But next the Hungarians refused to issue a travel visa for Mark's grandmother. That caused a Catch-22 situation, since international law prevents a child from traveling alone. And the parents certainly could not return.

Learning of that hitch, I applied for a Hungarian travel visa, packed an overnight bag and got ready to fly to Budapest to bring back the boy myself. Hours later, bag packed, visa and passport secured, the Hungarian government relented. I flew to New York City to witness the touching reunion. It was an explosion of joy, something I'll never forget.

Saving L.V. jobs at Western & Bell: No breakup

Recently, I took a strong stand in the Energy and Commerce Committee against legislation which would have been extremely harmful to the more than 4,000 workers at Western Electric's and Bell Labs' Lehigh Valley facilities.

The bill, HR 5158, sought to place unprecedented regulations and restrictions on Western and Bell Labs activities: it would have hurt their ability to work together in developing new, cost-saving technology, and their ability to compete here and abroad against domestic and foreign telecommunications giants. It would have made one set of rules favoring competition for all of AT&T's competitors, and another set of rules preventing Western and Bell Labs from competing with others.

HR 5158 was not good legislation for Lehigh Valley workers and our economy, and this year we prevailed in stopping it.

It came out of the Telecommunications Subcommittee on a unanimous vote, but on the full committee we were able to beat it back. Opponents of the legislation, myself included, began to win on key amendments. Many of these key amendments were similar to what Judge Greene, reviewing the AT&T-Justice Department settlement, recently agreed to.

Once momentum began to go our way, other committee members began to realize just how this legislation would hurt workers and consumers alike. Shortly thereafter, it became clear that the bill would have an extremely hard time getting passed, so the bill's author withdrew it from further consideration.

Something similar to HR 5158 could come up again. If it does, I'll continue to work for telecommunications legislation which promotes competition and technological advancement, not legislation which protects competitors at the expense of Lehigh Valley workers. Given the opportunity, Western and Bell Labs workers will create great new products which can be produced here in the Lehigh Valley.

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A flat tax: simpler & fairer?

Everywhere I go in the Lehigh Valley, people ask about the flat income tax rate. The movement for a flat tax is gaining support, in Washington as well as in the Lehigh Valley, and its simplicity looks appealing, especially when you consider the current system's many deductions, exemptions, and forms—not to mention tax bracket creep. But what is this flat tax all about? What are the pluses and the minuses?

Theoretically, a flat tax for individuals and corporations means that income would be taxed at a flat rate, perhaps 15 or 16 percent, banishing all deductions and exemptions from the tax code. Those in favor of reforming the present tax code with a flat tax argue there are many benefits to be gained through this approach. A single tax rate would cut through the maze of tax brackets and exemptions, simplifying the filing procedure for the taxpayer. Many feel a single tax rate will improve compliance with the law and bring more dollars into the Treasury. The elimination of many deductions would close loopholes many people in high-income brackets use to avoid paying taxes. For a healthier economy, a tax rate with few deductions would discourage tax shelters and promote more productive investment.

But who gets deductions?

Some say we need to keep certain deductions—those that help stimulate depressed industries (such as the home mortgage interest deduction), medical deductions, exemptions for those on fixed incomes (such as Social Security) or those receiving veterans' benefits, or deductions that help "non-profit" organizations (such as the charitable donations deduction).

The big problem is, where does the flat tax draw the line? You can just see all the different interest groups coming out in favor of keeping their deductions. A number of legislative proposals already have been introduced, ranging from a simple tax with very few deductions, to other variations loaded with deductions.

In an effort to sort out some of these questions, I have co-sponsored legislation directing the Secretary of the Treasury to conduct a study of a flat income tax rate for individuals and corporations.

Our present tax code is burdened with complicated deductions and exemptions that encourage tax shelters—Caribbean-island deals for the wealthy—which gulp dollars needed to rebuild American industry. It is ultimately the taxpayer and the consumer who suffer through lower productivity and fewer jobs. The time has come to simplify our present tax code. The flat income tax rate is an idea with a lot of merit; it deserves a full hearing.

Ritter: no tax break for Congressmen

This June, Congress voted a repeal the $75-a-day tax deduction for members of Congress—an effort I wholeheartedly supported. This repeal was finally successful after a long, hard battle to right a wrong committed last year.

I shared the frustration of many in the Lehigh Valley over the deduction. Congress wrapped itself in a protective financial cocoon, unwilling to make the sacrifices that were being asked of the American people. That's why, this January, I co-sponsored legislation to repeal this deduction to restore the $3,000 limit for itemized living expenses. I signed a petition to discharge the bill from committee and to bring it immediately to the House floor for a vote. And when it came to the vote, I voted to repeal!

In addition to voting for repeal of the special deduction, I refused to take advantage of the deduction on my personal tax return.

Members of Congress shouldn't seek a financial windfall when the nation faces an economic crisis of high unemployment and high interest rates. I'm pleased that this wrong against the American taxpayer has been righted.

Hinckley verdict: insane!

The verdict of not guilty by reason of insanity against John W. Hinckley, Jr., attempted assassin of President Reagan, is an outrage. It proves that the insanity plea, abused too often as a rich man's defense, should be reformed.

The insanity defense frequently allows convicted persons to be freed. While we need to protect the rights of the accused, we also need to protect our society from being victimized by clever defendants and their lawyers, who twist the law to their own ends.

To remedy this injustice, I have co-sponsored legislation with an alternative plea of "guilty but mentally ill." This plea would allow courts and juries to recognize a defendant as being mentally ill, but nevertheless hold him responsible for his criminal actions. While sentencing a defendant found guilty but mentally ill, the court could commit the defendant to a mental hospital or other suitable facility for treatment of his mental condition. If the defendant should recover from his mental condition, he would then be transferred to a prison to serve the remainder of his sentence.

The "Son of Sam" murderer claimed a 1,000-year-old dog told him to kill those people in New York. Hinckley claimed it was his obsession with a young actress. Whatever the reason, people cannot be allowed to shoot and kill, maim, and then escape the consequences simply by pouring vast sums of money into sophisticated legal maneuvers.

Lenny Motolese, 6, of Allentown, shows Don his award-winning food safety poster. Lenny, who goes to Our Lady Help of Christians School, Allentown, won first prize in the poster contest sponsored by the U.S. Department of Agriculture's Food Safety and Inspection Service.

L.V. update: inside the 15th District

Congressmen work in Washington, D.C., but the work they do there benefits their home communities. Here are some projects I've worked closely on that are important to the 15th District.

★ **Broad and Main Street in Bethelehem.** Ground was broken August 6 for the three-story, $3.2 million office building. Vital to the development of the city's downtown, it's partly financed by private investment and partly by a grant from the Department of Housing and Urban Development (HUD). By urging HUD officials to grant deadline extensions while the City of Bethlehem developed its plans, I was able to convince HUD how important this project is for the city's economy and jobs.

★ **HUD funding switch.** At my urging, HUD has approved a funding switch involving Bethlehem's Parkridge and South Terrace housing projects. This is good, because it lets the community—not bureaucrats in Washington—decide how it can best house its lower-income people. And with demolition at the two projects displacing people from their homes, it's essential to provide replacement housing as soon as possible.

★ **Flood damage in Lehigh County.** In August, torrential downpours caused the loss of one life and devastating property damages estimated at more than $7 million. At my urging, the Small Business Administration declared Lehigh County a disaster area.

★ **Senior citizens picnic.** Along with my Senior Citizens Advisory Council, my office has planned a senior citizens picnic and public forum for 1-5 p.m. September 25 at Macungie Park, off Main Street in Macungie. There will be plenty of free food, beverages, and entertainmentplus the opportunity for us to meet and talk about what's of concern to you.

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Your opinion: Less red ink

Balance the federal budget by slowing the growth of government spending, not increasing taxes! Preserve the 10 percent personal tax cuts of this past July and July 1983. Pass a constitutional amendment to limit the growth of federal spending to the amount of tax revenue received. Those are some of the things that most of the people in the Lehigh Valley want Congress to do, according to the results of the 10-question opinion survey I sent this summer to every household in the 15th District.

Here are the complete results:

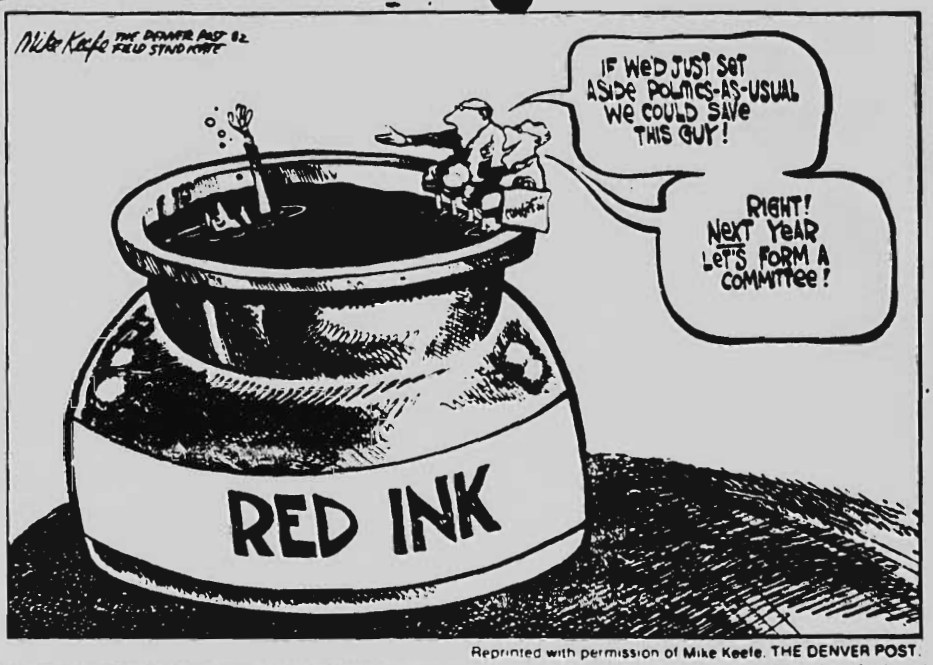
*Eighty-seven percent of those answering the questionnaire said Congress should work toward a balanced budget through "slowing spending growth, even if it means a program of importance to you personally." The remaining 13 percent said the budget should be balanced through tax increases.

*Ninety-two percent agreed with the "general policy goal of this administration to reduce the growth of federal spending." Eight percent disagreed.

*Fifty-seven percent felt the 10 percent personal tax cuts (of July 1982 and July 1983) should not be set aside in an effort to reduce the budget deficit. Forty-three percent felt the cuts should be set aside.

*Eighty percent said they would "support an increase in the excise taxes for tobacco and alcohol to offset federal health care expenditures for alcohol- and smoking-related health problems." Twenty percent said they would not.

*Sixty-one percent said they would "favor a constitutional amendment limiting the growth of federal spending to the amount of tax revenue received." Thirty-nine percent said they would not.



Reprinted with permission of Mike Keefe, THE DENVER POST.

Most people answering Don Ritter's opinion survey supported balancing the federal budget by slowing the growth of government spending—not by increasing taxes.

*Sixty-five percent said persistent unemployment should be addressed by "establishing cooperative private-sector programs with limited seed money contributed by taxpayers." Twenty-four percent said it should be addressed by "establishing new taxpayer-funded public works programs." Eleven percent either checked both responses, or neither.

*Seventy-two percent favored a needs test for "guaranteed loans for college students to families with annual incomes that exceed $30,000." Twenty-two percent were not in favor of a needs test. Those were the only two responses to choose, but six percent were either unsure or totally against all loans.

*Eighty-nine percent believed "unnecessary" an automobile emissions inspection maintenance program, for all Lehigh Valley automobiles, that could cost $25-$300 per car a year. Eleven percent supported the additional inspection.

*Thirty-nine percent said they don't think a freeze on U.S. nuclear weapons is a realistic method of arms control. Thirty-four percent favored a freeze, "linked to what the Soviet Union does," and 27 percent favored a freeze "regardless of what the Soviet Union does."

*Given lower prices of gasoline at the pump, 50 percent said they would be willing to pay a 5¢-per-gallon tax on gas, "if these funds went towards the repair of state and local roads and bridges." Forty-six percent said they wouldn't be willing to pay. The rest didn't respond.

Legislative Update: House passes Ritter bill

After three years of hard work, the House of Representatives has passed my bill to bring scientific sense to the regulation of health, safety and the environment. As one of only three members of Congress with scientific background, I know how much our jobs depend on intelligent regulation.

Besides my bill, HR 6159, other bills before the Congress have had my support and my votes. (This session, my voting record is 99 percent.) Here's a partial list of legislation I've co-sponsored and voted for this year.

Reduction of Smoking Hazards: Establishes a national program, under an office of Smoking and Health, to inform the public of the dangers of smoking, to change label requirements for cigarettes and to outline more clearly the hazards associated with smoking.

Veterans' Children: Provides student benefits for sons and daughters of combat veterans who have lost their lives in the service of their country.

Home Health Care: Provides Medicaid coverage for those disabled children who can be cared for at home more inexpensively than in the hospital.

Anti-Drunk Driving: Provides incentives for states to establish drunk driving programs and other alcohol traffic safety programs.

Limits on Defense Spending: Cuts $1.7 billion from the defense budget. This vote let the administration know that the Congress is serious about putting some limits on defense spending.

Locating Missing Children: Sets up a computer system which serves as a clearinghouse for missing children, aiding law enforcement activities throughout the country in locating such children.

Senior Citizen Employment: Expresses the sense of Congress that funding for the Title V Senior Community Employment program—which employs senior citizens in private, non-profit agencies—should be maintained at the level needed to keep the number of jobs at current levels.

Strengthening Social Security

There are some in Washington that are using the Social Security system as a political football, confusing and frightening many senior citizens.. Some are telling senior citizens there is no problem. But the facts are clear: the problem is real.

The Social Security system could be $10.1 billion in the red by fiscal year 1983, according to the nonpartisan Congressional Budget Office. The combined trust funds within the Social Security system are losing $17,000 a minute around the clock. If no action is taken, the system may not have enough to pay benefits as early as next summer.

Why is the system in trouble? Simply put, more money is going out than is coming in. Although many think Social Security is like an insurance policy, or an annuity, it is not. Social Security is a "pay-as-you-go" system. What goes out is what comes in.

The FICA taxes of people now working pay the benefits of people now retired. In 1950, 16 people worked and paid FICA taxes for every one retiree. Now, some three workers support each retiree, and beyond the year 2000, the ratio could fall as low as 1.5 workers for every retiree.

And the Social Security system, in recent years, has grown beyond the original intent of a supplemental retirement system. Welfare-like benefits have been extended to individuals other than retirees who paid in, draining funds from the system.

Congress, in the past, has tried to patch up funding problems with short-term solutions. In 1977, before my first term in Congress, Social Security amendments were passed raising Social Security taxes and reducing benefits for future retirees. At that time senior citizens were assured that these measures would be enough to put the Social Security system on a solid financial footing for the next 40 to 50 years. In 1981, four years later, Congress passed legislation for "inter-fund" borrowing to keep the retirement fund solvent. Even if this "inter-fund" borrowing is extended, there is some doubt whether this will be enough. It is clear that short-term solutions cannot meet the present funding crisis. Long-term solutions have to be considered.

The President's National Commission on Social Security is presently reviewing many proposals, and is expected to make recommendations by December. Why December? To prevent the Social Security solvency issue from being the victim of political posturing and campaign rhetoric. The funding problem is real, and so are the fears of many senior citizens regarding their benefits. However, reasonable people can agree on reasonable solutions. It's my intent to do everything I can to preserve the integrity of the Social Security system and maintain the benefits of present Social Security recipients.

write to:

Congressman Don Ritter
124 Cannon Building
Washington, D.C. 20515
(202) 225-6411

Allentown office: (215) 439-8861

Bethlehem office: (215) 866-0916

Easton office: (215) 258-8383

Hall of Famer: Don Ritter receives the Golden Age Hall of Fame Certificate from Elizabeth Cowles, chairman of the board of directors of the National Alliance of Senior Citizens. The Alliance, which has 768,000 members nationwide, gave Ritter a 90% score on its annual voting index. The index is based on key votes in Congress on limiting spending, halting inflation, cutting taxes, reducing crime and reducing over-regulation.

Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICIAL BUSINESS

10

Don Ritter
M.C.

Bulk Rate
CAR-RT SORT

TO: Postal Patron—Local
15th Congressional District
Pennsylvania

Congressman DON RITTER Reports to the Lehigh Valley

(24)

Congressman DON RITTER'S SENIOR CITIZENS REPORT

JULY 1982

Dear Friend:

I am pleased that my senior citizen friends will receive a much needed 7.4 percent cost-of-living increase in their Social Security checks effective July 1. This will go a long way in helping seniors meet the rising cost of health care, food, shelter, and fuel. Inflation has hit no sector of our population harder than the elderly and I continue to support efforts to produce an economy free of inflation. Some progress can already be seen with the inflation rate the lowest in over half a decade. The slowing of inflation means more dollars for Lehigh Valley senior citizens at the supermarket, gas station, and when its time to pay monthly bills.

During the debate on the budget for fiscal year 1983, concern was expressed over the proposals affecting the Social Security program. I supported a legislative initiative where I opposed the reduction of current benefits for Social Security recipients. The financial solvency of the Social Security system is a major priority and must be addressed adequately and fairly. I am pleased Congress chose not to preempt the findings of the President's National Commission on Social Security. I look forward to the commission's recommendations expected later this year.

I want to take this opportunity to update you on efforts I have made to further protect the security of senior citizens and share with you information I hope you will find helpful.

Sincerely,

Don

RITTER AUTHORS BILLS TO BENEFIT LEHIGH VALLEY SENIOR CITIZENS

The quality of life for those senior citizens on a fixed income has been a particular concern of mine since coming to Congress. I have introduced legislation designed to improve the quality of life for these seniors.

*H.R. 2505 allows a family to take a tax credit of up to $1,000 a year to care for a dependent senior citizen over 65 living in the home. This bill not only offers the chance for a richer life close to loved ones for many elderly, but it also eases the financial pressures and overcrowding at existing senior citizen homes.

*H.R. 5328 provides for those 65 and older that a declaration of estimated tax shall not be required and no penalty shall be imposed where the amount involved is under $500. Many senior citizens have been penalized for not declaring and paying estimated tax for income subject to withholding. This bill will relieve many senior citizens on fixed incomes of the burdensome penalties for not declaring and paying estimated tax and further protect them from loss of income.

RITTER COSPONSORS BILLS TO PROTECT LEHIGH VALLEY SENIOR CITIZENS

*Legislation to prohibit the taxation of Social Security benefits.

*Legislation to stop Social Security benefit checks going to deceased recipients -- saving Social Security up to $60 million.

*Legislation to instruct the Commissioner of Social Security to immediately conduct a study on reforms to correct the Social Security benefit inequities resulting from the 1977 Social Security Amendments.

F

25

PAYROLL AUTHORIZATION

(Please Use Typewriter or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any changes, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
[illegible]	September 15, 1982
Employee Social Security Number	**Type of Action**
[illegible]	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business ..... (Specify date))
Employing Office or Committee/Subcommittee	
[illegible]	

(If type of action is an Appointment, Salary Adjustment or Title Change, complete appropriate information below.)

Position Title*	Gross Annual Salary**

*Nonpermanent employees designated as Part-Time Employees, Washington, D.C. Interns, Temporary Employees, or Shared Employees will automatically receive the respective designation as their position title.

**If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

☐ Permanent
☐ Nonpermanent (must specify one of the following categories)
- ☐ Part-Time Employee
- ☐ Washington, D.C. Intern
- ☐ Temporary Employee
- ☐ LWOP Employee
- ☐ Shared Employee

_____ (Specify one other employing authority)

If appointed employee will be assigned to an approved Legislative Support Organization, please list organization name.

_____ (Organization name)

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number ..... If applicable, Level ..... Step .....
If position transfer, previous position number ..... Level ..... Step .....

Date September 14, 1982

..... (Signature of Authorizing Official)

Hon. Don Ritter
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member) (Type or print name of Authorizing Official)

15 PA
(Type or print name and title of above official) (Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: ..... (Chairman, Committee on House Administration)

Appropriation Code:	Office of Finance use only	ID .....
	(Monthly Annuity $.....00)	Benefits .....
	as of	Payroll .....

G

(Revised: November 5, 1980)
LLP—3

Copy for Initiating Office or Committee

27

PAYROLL AUTHORIZATION FORM

(Please Use Typewriter or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
[illegible]	October 1, [illegible]
Employee Social Security Number	**Type of Action**
[illegible]	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business November 6, 19[illegible] (Specify date)
Employing Office or Committee/Subcommittee	
[illegible]	

(If type of action is an Appointment, Salary Adjustment or Title Change, complete appropriate information below.)

Position Title*	Gross Annual Salary**

*Nonpermanent employees designated as Part-Time Employees, Washington, D.C. Interns, Temporary Employees, or Shared Employees will automatically receive the respective designation as their position title.

**If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

☐ Permanent
☐ Nonpermanent (must specify one of the following categories)
- ☐ Part-Time Employee
- ☐ Washington, D.C. Intern
- ☐ Temporary Employee
- ☐ LWOP Employee
- ☐ Shared Employee

_____ (Specify one other employing authority)

If appointed employee will be assigned to an approved Legislative Support Organization, please list organization name.

_____ (Organization name)

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number ..... If applicable, Level ..... Step .....
If position transfer, previous position number ..... Level ..... Step .....

Date October 1, 1982

(Signature of Authorizing Official)

(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

HON. DON RITTER
(Type or print name of Authorizing Official)

(Type or print name and title of above official)

15 PA
(Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: .....
(Chairman, Committee on House Administration)

Appropriation Code:	Office of Finance use only	ID .....
	(Monthly Annuity $ ..... .00)	Benefits .....
	as of	Payroll .....

H

(Revised: November 5, 1980)
LLP—3

38

Lehigh Valley
Senior Citizens Day

Sept. 25, 1982
Macungie Park

№ 1200

KEEP THIS TICKET

№ 1200

FOOD TICKET

Lehigh Valley
Senior Citizens Day

Sept. 25, 1982
Macungie Park

№ 1200

KEEP THIS TICKET

№ 1200

FOOD TICKET

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(39)

BERGER and COMPANY, INC.
Advertising • Public Relations • Marketing

RADIO COPY

CLIENT DON RITTER FOR CONGRESS COPY INSTRUCTIONS:
COPY NO.
TIME :30

ANNCR: SOON AFTER DON RITTER WAS CHOSEN TO BE OUR CONGRESSMAN FOUR YEARS AGO, HE ORGANIZED A SENIOR CITIZENS ADVISORY COUNCIL TO KEEP IN CLOSE TOUCH WITH THE NEEDS OF OLDER PEOPLE. LISTEN TO WHAT ROBERTA NOLL, AN ACTIVE SENIOR CITIZEN IN WHITEHALL, HAS TO SAY:

(Roberta's Voice) — "CONGRESSMAN DON RITTER UNDERSTANDS THE PROBLEMS OF SENIOR CITIZENS. HE'S OUR FRIEND. HE HAS FOUGHT HARD TO PROTECT OUR SOCIAL SECURITY. HIS DOOR IS ALWAYS OPEN. DON RITTER HAS EARNED THE RIGHT TO YOUR SUPPORT AND YOUR VOTE ON NOVEMBER 2ND."

DISCLAIMER

J

B & B Building • 546 Hamilton Street • Post Office Box 1111 • Allentown, Pennsylvania 18105 • 215-435-9687

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DON RITTER
15TH DISTRICT, PENNSYLVANIA

ENERGY AND
COMMERCE COMMITTEE

SUBCOMMITTEES:
COMMERCE, TRANSPORTATION AND TOURISM
ENERGY CONSERVATION AND POWER

HELSINKI COMMISSION
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

124 CANNON OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-6411

DISTRICT OFFICES:

SUITE 300
2 BETHLEHEM PLAZA
BETHLEHEM, PENNSYLVANIA 18018
(215) 865-8016

ROOM 212
ALLENTOWN POST OFFICE BUILDING
ALLENTOWN, PENNSYLVANIA 18101
(215) 439-8661

ROOM 708
ALPHA BUILDING
EASTON, PENNSYLVANIA 18042
(215) 258-6363

FILE LETTER INDICATING
~~JUL~~Y 26, 1982 MEETING
OF SENIOR CITIZENS ADVISORY COUNCIL

Dear

In recent months I've been communicating with the senior citizens of the Lehigh Valley in many ways. I have mailed a senior citizens report throughout the area, met personally with individuals and various senior citizens organizations, and this Spring participated in the Congressional Senior Intern program in Washington. Mr. and Mrs. Ralph Rush of Easton spent a week attending briefings and hearings on Capitol Hill and working with me and my staff. The Rushes continue to keep in touch with me and are sharing their experience with senior citizens back in the Valley.

Now I am planning what I believe will be a productive and enjoyable way to further communicate with seniors on issues of importance to all of us -- a senior citizens picnic and forum sponsored by my Lehigh Valley Senior Citizens Advisory Council to take place in September. I picture a day of good food, entertainment, games and the chance for me to hear and respond to the questions and concerns of our area's seniors. We will attempt to invite every senior in the 15th Congressional District and I look forward to a great turnout.

I would like to invite you to attend a planning meeting where the specifics of the picnic will be discussed. My staff has already begun working on the project. We'll be looking for your ideas on how we can best make the day productive and fun for everyone. The meeting will be held on Monday, July 26th at 10 a.m. in the 11th floor hospitality suite of the First Valley Bank, 1 Bethlehem Plaza, Bethlehem.

I hope you will be able to attend the meeting and participate in the picnic. Your input will play a major role in making the day a success.

With best wishes, I am

Sincerely,

DON RITTER
Member of Congress

DR:jmt

K

(31)

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DON RITTER
15TH DISTRICT, PENNSYLVANIA

ENERGY AND
COMMERCE COMMITTEE

SUBCOMMITTEES:
COMMERCE, TRANSPORTATION AND TOURISM
ENERGY CONSERVATION AND POWER

HELSINKI COMMISSION
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON, D.C. 20515
(202) 225-5411

DISTRICT OFFICES:

SUITE 300
2 BETHLEHEM PLAZA
BETHLEHEM, PENNSYLVANIA 18018
(215) 866-0916

ROOM 212
ALLENTOWN POST OFFICE BUILDING
ALLENTOWN, PENNSYLVANIA 18101
(215) 439-8651

ROOM 705
ALPHA BUILDING
EASTON, PENNSYLVANIA 18042
(215) 258-8383

FILE LETTER INDICATING
AUGUST 23, 1982 MEETING
OF SENIOR CITIZENS ADVISORY COUNCIL

Dear

This is to remind you of the date for our senior citizens picnic and forum, and the next scheduled meeting to discuss our plans for that event. The revised date for Senior Citizens Day is Saturday, September 25th, 1 to 5 p.m., at Macungie Park, off Main Street in Macungie.

I have reserved the 11th floor hospitality suite of the First Valley Bank Building, 1 Bethlehem Plaza, Bethlehem for our next meeting on Monday, August 23, at 10:30 a.m. Posters, flyers and sign-up sheets have been printed and will be available at that meeting. I have enclosed some flyers for you to have before our meeting.

My staff will also have a report on our progress to date with transportation, door prizes and other important aspects of Senior Citizens Day. I hope you will be able to attend this meeting and help to finalize our preparations.

With best wishes, I am

Sincerely,

DON RITTER
Member of Congress

DR:jmt
Enclosures

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(32)

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LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON HALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
439-1461
TELECOPIER 215 439-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
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JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCYK
GILBERT J. NEGRETE, JR.
JOSEPH A. BUSSA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFNER*
O. JACOB TALLMAN
(1888-1963)
HAROLD A. BUTZ
(1923-1969)
THEODORE J. ZELLER, JR.
(1966-1976)
*ALSO ADMITTED IN NEW YORK

September 2, 1983

Ms. Judith Thedford
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1555

Dear Ms. Thedford:

As I indicated to you last week I was advised that Congressmen Ritter's staff had some photographs of the September 1982 picnic which was the subject of the Richard Orloski complaint in MUR 1555. I am enclosing 22 photographs of that event. I would call your attention to the following items:

None of the photographs show any campaign or other posters. Pavilions, bandshells, trees and other areas at the picnic grove show absolutely no sign of campaign posters or paraphernalia.

There is no evidence of campaign buttons or campaign name tags on anyone at the picnic, not even on the close-ups of Congressmen Don Ritter. The only "tags" in evidence are those tie-on tags identified as Exhibit "I" in our response of August 11, 1983 which tags do not even bear Congressmen Ritters name.

The photographs, which clearly cover the focal points of the picnic, are completely devoid of any indication of a political event. We believe these photographs, along with the other evidence and exhibits provided in our letter of August 11, 1983 clearly demonstrate that not only are the charges of Mr. Orloski completely without foundation, but that in most instances his allegations of specific fact are false.

Sincerely,

J. JACKSON EATON,

JJE,III:lmd
cc: Kenneth A. Gross, Esq.
Jerome Kindrachuk
Honorable Don Ritter

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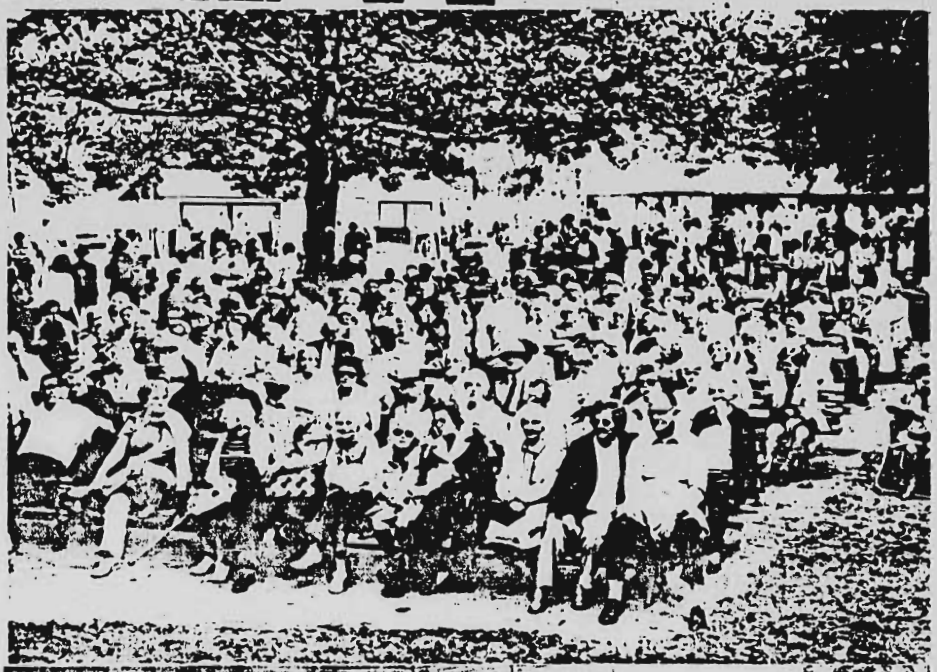

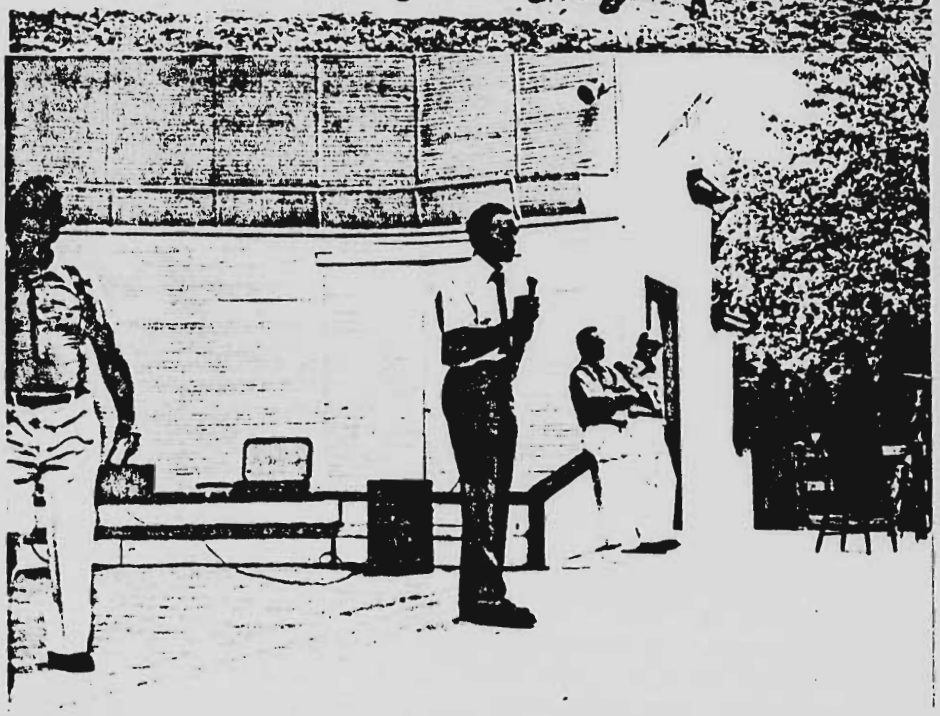

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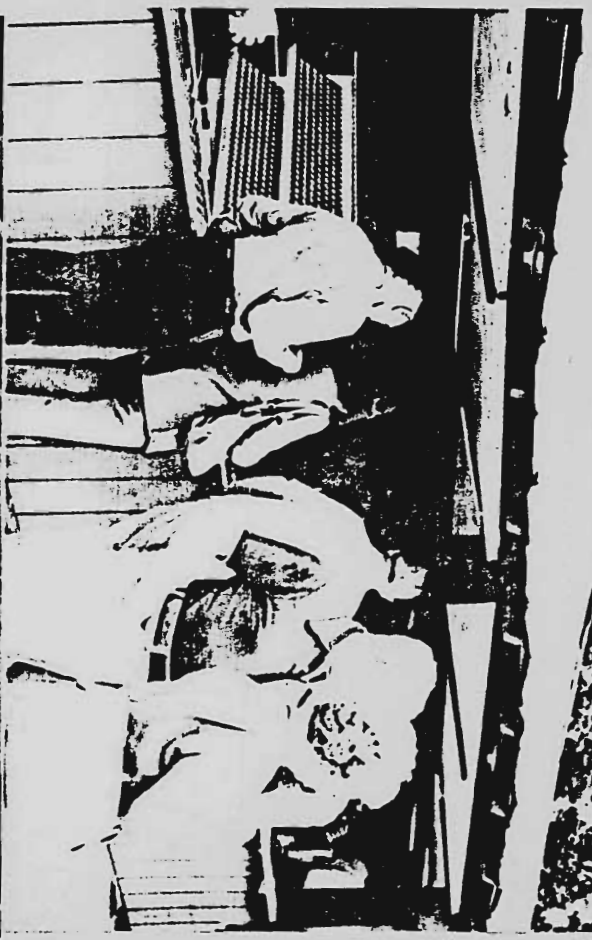

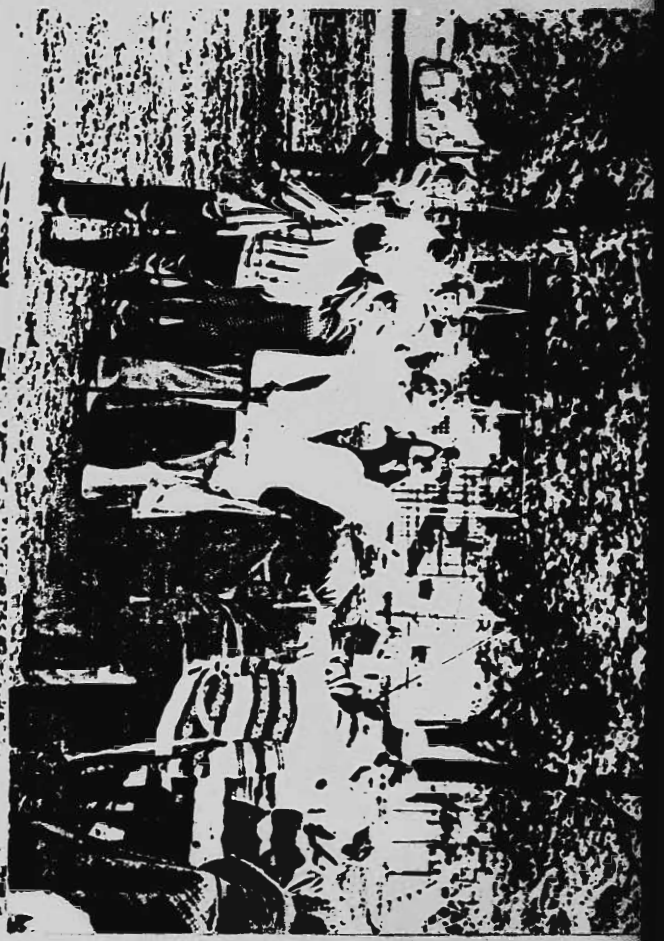

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lehigh Valley Senior Citizens Advisory Committee
c/o The Honorable Donald Ritter
124 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 1555

Dear Congressman Ritter:

On June 15, 1983, the Commission notified the Lehigh Valley Senior Citizens Advisory Committee of a complaint alleging that it had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September , 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

83040140038

42

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harold Fulmer
HFG Mangagement Corp.
Hotel Traylor
Allentown, Pennsylvania 18105

Re: MUR 1555

Dear Mr. Fulmer:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September , 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

83040140096

43

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley McCormack
McCormack Equipment, Inc.
Preston Lane
Center Valley, Pennsylvania 18105

Re: MUR 1555

Dear Mr. McCormack:

On June 15, 1983, the Commission notified you of a complaint alleging that you had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September , 1983, determined that on the basis of the information in the complaint and information provided by the respondents, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

2304040906

(44)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

Re: MUR 1555

Dear Mr. Jackson:

On June 15, 1983, the Commission notified your clients, the Don Ritter for Congress Committee and Newhart Foods, Inc., of a complaint alleging that they had violated certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on September , 1983, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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(46)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1555

Dear Mr. Orloski:

The Federal Election Commission has reviewed the allegations of your complaint dated June 6, 1983, and determined that on the basis of the information provided in your complaint and information provided by the Respondent, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed.

Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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RECEIVED AT THE FEC
Gcc# 756
83 SEP 6 A10:

LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
439-1451
TELECOPIER 215 439-1733

WILLIAM S. HUDDERS
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RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
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J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
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GILBERT J. NEGRETE, JR.
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFNER*
O. JACOB TALLMAN
(1928-1967)
HAROLD A. BUTZ
(1923-1969)
THEODORE J. ZELLER, JR.
(1966-1976)
*ALSO ADMITTED IN NEW YORK

September 2, 1983

Ms. Judith Thedford
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1555

Dear Ms. Thedford:

As I indicated to you last week I was advised that Congressmen Ritter's staff had some photographs of the September 1982 picnic which was the subject of the Richard Orloski complaint in MUR 1555. I am enclosing 22 photographs of that event. I would call your attention to the following items:

None of the photographs show any campaign or other posters. Pavilions, bandshells, trees and other areas at the picnic grove show absolutely no sign of campaign posters or paraphernalia.

There is no evidence of campaign buttons or campaign name tags on anyone at the picnic, not even on the close-ups of Congressmen Don Ritter. The only "tags" in evidence are those tie-on tags identified as Exhibit "I" in our response of August 11, 1983 which tags do not even bear Congressmen Ritters name.

The photographs, which clearly cover the focal points of the picnic, are completely devoid of any indication of a political event. We believe these photographs, along with the other evidence and exhibits provided in our letter of August 11, 1983 clearly demonstrate that not only are the charges of Mr. Orloski completely without foundation, but that in most instances his allegations of specific fact are false.

Sincerely,

J. JACKSON EATON,

JJE,III:lmd
cc: Kenneth A. Gross, Esq.
Jerome Kindrachuk
Honorable Don Ritter

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LAW OFFICES
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September 2, 1983

Ms. Judith Thedford
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1555

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Sincerely,

J. JACKSON EATON,

JJE,III:lmd
cc: Kenneth A. Gross, Esq.
Jerome Kindrachuk
Honorable Don Ritter

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C. 20515

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Attorney Jackson Fatt
Butz, Hudders and Tallman
740 Hamilton Mall
Allentown, PA 18101

ALLENTOWN, PA 181
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REGISTRY SECTION

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BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

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PA.
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Kenneth A. Gross

Federal Election Commission

Washington, D.C. 20463

LAW OFFICES
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740 HAMILTON MALL
ALLENTOWN, PA. 18101-2488

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First Class Mail

Ms. Judith Thedford

Federal Election Commission

Washington, D.C. 20463

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THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN NEW YORK

83 AUG 12 AM: 29

August 11, 1983

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, DC 20463

RE: MUR 1555

Dear Mr. Gross:

I am responding to your letter of June 15, 1983, on behalf of the Don Ritter For Congress Committee (Jerome Kindrachuk, Treasurer) regarding the allegations contained in the attachment to that letter. That attachment containing the allegations was a June 6, 1983 letter from Richard Orloski which will hereafter simply be referred to as the "letter". We have some difficulty in responding to the letter because of its rambling and repetitive nature. We will respond to each of the allegations as they may appear in the letter which appear to support the Orloski allegation.

Stipulation with respect to MUR 1476. On November 10, 1982 the FEC found the Don Ritter For Congress Committee had not violated the Federal Election Campaign Act with respect to a certain senior citizen picnic as alleged by Mr. Orloski. Orloski thereafter took an appeal to the United States District Court for the District of Columbia (No. 83-0026) asking for review and reversal of the FEC decision. In his letter of June 6, 1983, Orloski seems to suggest that the parties stipulated the Court should not review the November 10, 1982 FEC decision until such time as the FEC had an opportunity to reconsider its position in MUR 1476:

"After motions and briefs were filed, but before review by the Court, the parties stipulated on May 13, 1983 that the matter '...should not be reviewed by the Court prior to providing the FEC an opportunity to determine if the allegations established reason to believe a violation of FECA occurred...'" (June 6, 1983 letter, pp. 2, 3).

Contrary to the implication of the letter, the stipulation does not suggest that the FEC decision was wrong or that the FEC was going to reconsider its decision in MUR 1476. The quoted language in the letter referred not to the original allegations, but to "additional factual allegations that have come to his (Orloski's) attention which have not been presented to the Commission...". The District Court's stipulation, indeed, provided a summary judgment in favor of the FEC in the MUR 1476 matter. The stipulation merely provided in paragraph 2 thereof that Orloski had the right to file a new complaint "containing the additional factual allegations which have come to Plaintiff's attention since the FEC's dismissal of the administrative complaint upon which this case is based."

While we are certain that the FEC is fully aware of the nature of that stipulation, we felt constrained to point out that the implications that the original MUR 1476 decision was in error or subject to review was misplaced.

Nature of the Event. Orloski's claim generally seems to be that "Donald Ritter's Lehigh Valley Senior Citizens Advisory Committee held a political rally in support of Congressman Ritter's reelection campaign" (letter, p. 2) and that certain corporations contributed free food and beverages to the event thereby effecting an illegal corporate contribution. These are the same general charges raised in MUR 1476. The charge is denied, and by way of background we will repeat our general historical review of the situation which was set forth in our response in the previous complaint.

Several years ago, Congressman Don Ritter established several issue-oriented, non-political, non-partisan advisory groups composed of community leaders in various areas of public concern to meet with him periodically for an exchange of views and discussion on such areas of interest. These groups have met periodically in election years and non-election years and in all seasons. The times of such meetings have generally been spaced

so that the meetings with the various groups are spread over the course of the year.

One of such groups was the Senior Citizens Advisory Council organized in mid 1979. Comprised of community leaders in matters involving senior citizens, it has met periodically over the last three years with Don Ritter and staff members to discuss senior citizen legislation problems, constituent case work, and so forth. On September 25, 1982, the advisory council held a gathering at which no campaign speeches were made, no political literature was posted or passed out, and no campaign staff members were present. However, Mr. Orloski's campaign workers were present and did pass out Orloski campaign literature. A social security administration representative, senior citizens' service groups, Ritter legislative staff and case workers were present to answer questions and provide specific assistance and information to those present.

The advisory council is not now nor ever has been a political campaign committee. It has consistently functioned as a group for assistance in the legislative process. The Senior Citizens Advisory Council was established by Don Ritter in 1979 to provide advice and an interchange of views with leaders in the community involving issues of concern to the elderly. It is non-partisan and advisory. There has never been any requirement for or even determination of party affiliation of its members. The leaders of the council tend to hold other positions, many of which are completely inconsistent with the partisan or political role. We have enclosed a list of members of the council, together with positions which they hold in organizations and institutions relating to senior citizens (Attachment "A"). Over the past years, meetings of this council have discussed social security, housing, rising energy costs and so forth. I have enclosed copies of agendas from some of the advisory council meetings in 1979 (Attachment "B"), 1980 (Attachment "C"), and 1981 (Attachment "D"), with regard to the role of council as described.

The picnic of the Senior Citizens Advisory Council was similar to non-political senior citizens gatherings held by Congressman James Coyne and Congressman Peter Kostmeier. It was a working session for senior citizens. Congressman Ritter had a separately employed campaign staff paid by Don Ritter for Congress Committee. None of those staff members attended the

picnic. No posters, pamphlets or other campaign materials from Don Ritter were made available at the function.

Notice of the event was included in a mailing approved by the Franking Commission (Attachment "E"). One staff member from social security administration was present to answer questions, the Heart and Lung Association was present and gave over 75 tests in a diabetes screening program, some were determined to be positive and were referred to their physicians. The Department of Health and Human Services video-tape on social security was shown. One Don Ritter legislative staff member attempted to answer housing problem questions, one legislative staff member attempted to handle social security problems, another legislative staff member attempted to handle miscellaneous congressional inquiries. Hundreds of questions were answered and 20 formal case inquiries were opened by the staff.

Official government publications were available to those who picked them up including social security handbooks, Medicare handbooks, retirement literature and consumer brochures. Only one item of literature containing Don Ritter's name was available to be picked up, and that was a senior citizens' report which had been distributed to constituents through the Congressman's Congressional Office via franked direct mail in July, 1982 after approval by the Franking Commission. It gave information with respect to the status of certain senior citizens legislation and other information helpful to senior citizens (Attachment "F").

Neither the Senior Citizens Advisory Council nor any of the other advisory councils have been used in any fashion to solicit campaign funds to organize or assist in campaign activity.

Free Food. Orloski repeatedly refers to free food and transportation for the senior citizens picnic provided by McCormack Equipment, Inc., H.G.F. Management Corp., and Newhart Foods, Inc. (letter, pp. 2, 3, 6, 8, and 13). These are not "additional factual allegations", and there has never been any question that these corporate entities assisted the senior citizens picnic. The senior citizens picnic was not a campaign rally, event or other such affair and hence it is not a political contribution. Congressman Don Ritter's office has

always been completely open and clear with regard to the nature of the funding for this event. The only new allegations added by Mr. Orloski in MUR 1555 are that the principals of the corporations in question have in the past made contributions to the Don Ritter for Congress Committee and the fact that one of the corporate principals had run for Republican Political Office and another was a past County Chairman (none of which were facts learned by Mr. Orloski since the FEC's original decision on MUR 1476).

Campaign staff members. The June 6, 1983 letter repeated allegations that members of the Don Ritter for Congress Committee campaign staff were present at the rally. In particular, he made the following allegations: that Alex Rosza was the Don Ritter for Congress Committee Campaign Manager and was present for the entire day (letter, pp. 4, 6, 8, 12), and that he was "in charge of the picnic" (letter, pp. 8, 10). Alex Rosza was not the campaign manager for Don Ritter nor the Don Ritter For Congress Campaign Committee, nor was he a staff member of that committee. FEC records will demonstrate that Rosza was at no time a campaign staff member. The campaign manager was John Kachmar (who had taken a leave of absence without pay from the Congressman's staff). Rosza was a member of Don Ritter's Legislative Staff and served as Lehigh Valley District Administrator for the Congressman. As such, Rosza met with citizens on all aspects of normal legislative matters involving the Congressman's office, including the senior citizens picnic. Orloski also alleges that Jeff Werley and Joe McHugh were campaign staff members who were present the entire day (letter, pp. 7, 8, 12). Both of these individuals were congressional staff members at the time of the event. Their activity as employees of the Don Ritter Congressional Office was limited to apropriate constituent and legislative functions. On October 1, 1982 (after the picnic), Joseph McHugh was named assistant campaign manager and took a leave without pay from the Congressional staff. Jeff Werley never served on the campaign staff. (See attached payroll authorizations showing terminations of Kachmar and McHugh from the Congressman's congressional payroll; Attachments "G" and "H".)

Congressman Ritter made all reasonable efforts to separate campaign staff members and congressional staff members. Alex Rosza, Jeff Werley and Joe McHugh were at the picnic as paid congressional staff members. On pages 6 and 12

of the letter, Orloski makes the allegation that the campaign staff and congressional committee members were exactly the same. This simply is not the case and records of the campaign staff showing who was working there and being paid from that staff and from a congressional office will show that these were in fact separate and distinct. Mr. Orloski presents no evidence whatsoever to justify this charge.

Political Literature. Mr. Orloski claims that political literature was handed out at the event including a statement that "each person attending the function was given a name tag which had Don Ritter's name on it (letter, p. 4). Each person attending the function was given a tag to identify them as part of the group. One of the tags is enclosed (Attachment "I"), and as can be seen it does not even bear the Congressman's name. Some staff members may have had tags identifying them as members of Congressman Don Ritter's staff, but no election tags were used. (We believe it is unfortunate that Mr. Orloski finds something sinister in the fact that the tags were red, white and blue.)

Additionally, Mr. Orloski makes repeated reference to a certain congressional mailer which had previously been given approval by the Franking Commission (letter pp. 4, 6, 10 and 13). The document in question (Attachment "F"), was mailed to constituents in the Congressional District in July of 1982 and copies of a recent newsletter were available which had been mailed in August, 1982. The statement on page 4 of the letter that the "leaflet was determined by the House Franking Commission to be political and ineligible for franking privileges as of the date of its distribution" is absolutely false and totally misleading. The literature in question had previously been approved as nonpolitical and had been mailed under approval of Franking Commission. If it had been political, it would never had been approved for use of the franking privilege at any time. The Franking Commission, as a rule, does not approve the use of the franking privilege to disseminate any mass mailings within 60 days prior to an election whether or not the literature itself is considered political. There absolutely has never been any determination by the Franking Commission, as alleged by Mr. Orloski, that the literature in question was political. A copy of the same was included in our response to the FEC in the MUR 1476 matter.

It is true that there were political posters in the vicinity of the park. We would add that there were signs on roadways throughout the Congressional District. Mr. Orloski may or may not have been able to "match" the number of posters placed by Mr. Ritter in the District, but that is hardly the basis of a Federal Election Commission complaint. There were no political posters or political literature or political buttons in the park where the picnic was held with the exception of that material handed out for a period of time by members of Mr. Orloski's campaign staff.

Radio Ads. Orloski claims that "the radio ads paid for by the Don Ritter for Congress Committee indicated that the Advisory Committee was recommending Don Ritter's reelection." (letter p. 5; see also pp. 4, 12 and 13). That statement is patently untrue and is typical of the absolute falsehoods which are found in these charges. Attached is the only radio advertisement which makes any mention of the Senior Citizens Advisory Council and the only statement therein was a recapitulation of the fact that Congressman Ritter had, in fact, formed a Senior Citizens Advisory Council for the purpose of keeping him informed on senior citizens matters. (Attachment "J"). It does not in any way suggest an endorsement.

Senior Citizens Committee Meetings. Orloski charges that the Senior Citizens Committee met only three times in three years (letter, pp. 4, 9,) met only once after the 1980 election (letter, p. 4) and had no meetings in 1982 (letter, p. 13). The political or non-political nature of an organization is not determined by the number of times it meets. In any case, Mr. Orloski's statements are false. It is typical of the outlandish charges based on complete lack of any investigation made by Mr. Orloski. Apparently, he assumed that the agendas attached as exhibits to the Don Ritter for Congress Committee response in the MUR 1476 matter were the only meetings of the council. At least he has stated under oath that that is the case. That is in fact not the case. In 1982 the Senior Citizens Advisory Council met three times with good turnouts at each meeting. Enclosed are form congressional letters which went out to Senior Citizens Advisory Council members for meetings on July 26 and August 23, 1982. (Attachments "K" and "L").

Threats. Orloski claims that his representatives were physically threatened at the picnic. (letter, pp. 5, 11, 12 and

13). About an hour into the event, three members of the Orloski for Congress Committee entered the grounds of the event. None were senior citizens. They were carrying and beginning to pass out Orloski campaign literature. They were approached by the Congressman's District Administrator, Alex Rosza, who told them that this was not a political event and the passing out of political literature was not permitted. They were further told that they could remain provided they would not politic. A member of the crowd, name unknown, told them this was no concern of theirs and they should leave. Again, they were told that this was not a campaign event but they could stay if they wanted to. At no time was anyone threatened, or anyone grabbed, pushed or shoved.

Ethnic Day. Orloski repeats practically all of his allegations regarding the senior citizens picnic with regard to a Lehigh Valley Ethnic Advisory Council event held earlier in the year. We would point out that Orloski is making no claim of any violations of any FECA provisions with regard to the Ethnic Day picnic. We would further point out that Orloski was there and it would seem that Orloski was aware of the facts relating to the Ethnic Day picnic prior to the FEC decision in MUR 1476. Nonetheless, we will respond and specifically deny that the Lehigh Valley Ethnic Day was turned into a political event by Don Ritter, that the Campaign Committee aids were in charge of the event, that Ritter gave a political speech, etc.

Subsequent to the election of Congressman Ritter in early 1979, the Ethnic Advisory Council was formed. Prior to the gala Ethnic Day which included many groups not directly affiliated with the immediate advisory council, other celebrations, commemorations and gatherings were held. For instance, in November 1979 and again in November of 1980, a large commemoration was held in Northampton, Pennsylvania in honor of the Hungarian Freedom Fight of 1956. Congressman Ritter also used the advisory council as a conduit for the dissemination of information with regard to ethnic issues, both to and from Washington. It is not surprising that an all Lehigh Valley Ethnic Day was planned in 1982. This is especially true in light of the Congressman's membership on the Helsinki Commission and other activities on behalf of ethnic groups in the United States and human rights in other countries.

Congressman Ritter did speak briefly and thanked the Ethnic Advisory Council and made some general remarks about the importance of the ethnic community in the Lehigh Valley.

Congressman Ritter has used various advisory councils on different issues in the past. In the matter of MUR 1476, the history of these advisory councils along with detailed exhibits were included. Rather than repeat that information, we adopt the same by reference.

Conclusion. Nowhere in the letter which has become the complaint in MUR 1555 does Mr. Orloski identify "the additional factual allegations which have come to Plaintiff's (Orloski's) attention since the FEC's dismissal of the administrative complaint upon which this case (MUR 1476) is based." Most of the statements are merely a rehash of the original complaint. The factual allegations about name tags given to senior citizens, radio broadcasts, Franking Commission determinations of the political nature of literature, number of meetings of the Senior Citizens Advisory Council, and campaign staff members attending the picnic are demonstrably false.

We repeat, as we said in our response to MUR 1476, that it is no more appropriate for Don Ritter to terminate the functioning of the Senior Citizens Advisory Council than it is to stop answering mail, stop assigning staff members to constituent case problems, close his Lehigh Valley office or withdraw local legislative staff or other such actions near campaign time. Obviously, everything which the Congressman and his legislative staff do in the positive and effective functioning of his congressional office has a positive effect upon the possibility of the Congressman's reelection. That does not mean that every act, affair or function undertaken in that regard is a campaign function. Congressman Ritter did have an active and aggressive campaign committee. This committee, its staff and functions were kept separate and distinct from those of the Congressman's office and those staff members which were pursuing his duties of constituent assistance, consultation and discussion. Our system requires both of these functions to continue even during campaign periods.

At the Senior Citizens Picnic in question there was no communication expressly advocating the nomination or election of Mr. Ritter nor the defeat of Mr. Orloski. Indeed, other than general allegations that it was a political rally or that the picnic advocated the reelection of Congressman Ritter, the letter of June 6 is void of any specifics of such alleged advocacy. Nor was there any solicitation, making or acceptance

of campaign contributions for Congressman Ritter in connection with the activity. Indeed, it appears from the complaint that other than the contributions to the event itself, there are not even any allegations that the picnic was used to solicit any funds.

The factual statements in this letter are based upon information gathered from and provided by The Don Ritter for Congress Committee, members of the Senior Citizens Advisory Council, Congressman Don Ritter and his legislative staff and is attested to by Jerome Kindrachuk, Treasurer of The Don Ritter for Congress Committee. Mr. Kindrachuk's affidavit to this effect is enclosed together with a completed "Statement of Designation of Counsel."

We invite any further questions which the FEC may have in this matter and will promptly reply to your inquiries. We trust the above information answers all of the allegations made in Mr. Orloski's letter.

Sincerely,

J. JACKSON EATON, III

JJE:pb

cc: Honorable Donald Ritter
Jerome Kindrachuk

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

JEROME KINDRACHUK, being duly sworn according to law, deposes and says that he is the Treasurer of The Don Ritter for Congress Committee, and that as such, he is authorized to make this affidavit on its behalf, and that the facts set forth in the foregoing letter from J. Jackson Eaton, III (attorney for The Don Ritter for Congress Committee) to Kenneth A. Gross are true and correct, partly on his personal knowledge and partly on his information and belief.

Jerome Kindrachuk
Jerome Kindrachuk

SWORN TO AND SUBSCRIBED
before me, this 11th day
of August , 1983.

Karen M. Reichl
Notary Public

Karen M. Reichl, Notary Public
Allentown, Lehigh County, Pennsylvania
My Commission Expires May 18, 1986

0 3 0 4 9 4 1 0 1 0 6

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 1555

NAME OF COUNSEL: J. JACKSON EATON, III, ESQUIRE

ADDRESS: 740 HAMILTON MALL, ALLENTOWN, PA 18101

TELEPHONE: (215) 439-1451

The above-named individual is hereby designated as my counsel and is authorizied to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

August 11, 1983

Date

Jerome Kindrachuk

Signature

NAME: JEROME KINDRACHUK, TREASURER, DON RITTER FOR CONGRESS COMMITTEE

ADDRESS: 2404 LIVINGSTON STREET, ALLENTOWN, PA 18104

HOME PHONE: (215) 432-4789

BUSINESS PHONE: (215) 437-5531

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October 2, 1980

SENIOR CITIZENS ADVISORY COUNCIL

Mr. Robert Czopoth Mgr. - Episcopal House 15th and Walnut Sts. Allentown, PA.	O - 821-0311 H - 865-5422	Coordinator
Mr. Kenneth Ace 209 Kline St. Bangor, PA. 18013	H- 588-5920	
Mr. Chester E. Ayres 33 West Lane Easton, PA. 18042	H- 252-7760	
Mr. A.M. Barber (Buzz) 515 Linden St. Allentown, PA. 18101	O- 435-9577	Employee Benefit & Actuarial Consultant (Pension Fund Exec)
Mrs. Helen Barnes 2524 West Emmaus Avenue Allentown, PA. 18103	H- 797-2734	
Mr. William Bradstreet One Bethlehem Plaza Suite 890 Bethlehem, PA. 18018	O- 865-3002	Proj. Director-Senior Community Serv. Employmen Program
Mrs. Rose Cardine Gross Towers 1337 Allen Street Allentown, PA. 18102	O- 439-0306	Mgr. - Gross Towers
Ms. Josephine Craft Towers East - Apt. 309 1337 Allen St. Allentown, PA. 18102	H- 435-6993	Hi Rise Representative
Mr. James Cunningham Lutheran Manor - Apt. 906 2085 Westgate Drive Bethlehem, PA. 18018	H- 868-2558	
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Miss Hilda B. Emmett Apt. 1102 1440 Walnut Street Allentown, PA. 18102	H- 432-3242	

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(13)

Mr. Joseph Fortenbaugh Chief Administrator Lehigh Manor House 803 N. Wahneta St. Allentown, PA. 18103	O- 434-6245	
Mrs. Stanley Frantz 14 West Church St. Bethlehem, PA. 18018	H- 867-3248	Active in Sun Inn Society senior citizens groups cancer society
Ms. Elise Geer Monocacy Tower, Apt. 1106 645 Main Street Bethlehem, PA. 18018	H- 866-5088	Hi Rise Representative
Mrs. Sally Gillespie 1461 Roselawn Dr. Bethlehem, PA. 18017	O- 258-6221 Ext. 266	Exec. Director - Meals on Wheels
Mr. Roland Hahn Townhouse Apts. - Apt. 1104 1827 Walnut St. Allentown, PA. 18104	H- 437-6199	Hi Rise Representative
Mrs. Jane Harrington R. D. #7 - Manor Drive Bethlehem, PA. 18015	H- 691-8708	
Mr. Monroe Harwick 4230 Dorney Park Road Allentown, PA. 18104	H- 398-3725	
Mr. Donald O. Hill 1015 Jefferson St. - Apt. 3 Allentown, PA. 18103	H- 434-2469	
Mr. Peter Johnstone Exec. Director Lehigh County Area on Aging R. D. #2 New Tripoli, PA. 18066	H- 285-2351 O- 820-3247	
Mr. E. H. Howell 1840 Eaton Avenue Bethlehem, PA. 18018	H- 867-5246	Retired - Beth. Steel
Ms. Mable J. Lewis Harlan House - Apt. 311 221 S. 4th St. Easton, PA. 18042	H- 253-0747	Hi Rise Representative

Ms. Gerda Newhard 211 Schank Avenue Pen Argyl, PA. 18072	O- 253-9321	Exec. Director Northampton County Area Agency on Aging
Mrs. R. F. Noll 3831 Mechanicsville Road Whitehall, PA. 18052	H- 433-1390	President--Whitehall Senior Citizens Center Retired Nurse
Mr. ~~Harold M. Rappert~~ deceased ~~2660 Woodlawn Avenue~~ ~~Easton, PA. 18042~~	H- 252-4576	Retired
Mr. Walter Redash (Walter) 1064 7th St. N. Catasauqua, PA. 18032	H- 264-2209	
Ms. Irene Ringer Meadowview Apts. Slatington, PA. 18080	H- 767-2246	Hi Rise Representative
Mr. George Robinson 211 Edgewood Ave. Easton, PA. 18042	H- 258-7403	Retired Foreman Ingersoll-Rand
Mr. Harold B. Roth 1715 Lincoln St. Bethlehem, PA. 18017	H- 868-5468	Retired - UGI
Mr. David Sahaydak 2985 Westgate Drive Bethlehem, PA. 18018	H-865-5010	Lutheran Manor Mgr.
Mr. Frank Saurman Episcopla House - Apt. 901 1440 Walnut St. Allentown, PA. 18102	H- 434-6484	Hi Rise Representativ3
Mr. William Scharf 602 Hamilton Mall Allentown, PA. 18101	O- 820-9331	Pres. - Progress Associate
~~Mr. Willard Seltzer~~ Francis Fowler ~~Cedarview Apt. 220~~ 211 ~~4230 Dorney Park Road~~ deceased ~~Allentown, PA. 18104~~	Unlisted number	Hi Rise Representative
Mr. Winsor Seigfried R. D. #3 Bethlehem, PA. 18015	H- 865-3913	Retired fitter/welder Bethlehem Steel

Miss Dorothy Short 254 Washington Blvd. Bangor, PA. 18013	H- 588-4153	Member, Nortampton County Advisory Council for Senior Citizens
Mr. Robert J. Sipos 1575 Siegfried St. Bethlehem, PA. 18017	O- 435-4886	Manager - B'nai B'rith
Mr. Kenneth Snyder 2207 Washington St. Allentown, PA. 18104	H- 433-5345	Pres. - Allentown Men of Retirement Age
Mr. Henry L. Snyder 640 Benner Road Allentown, PA. 18104	O- 865-3002	Job Developer-Nat'l Retire Teachers Assoc.
Mr. William Soldrich Pres. - Senior Citizens Center S.W. 28th St. & Arcadia Ave. Allentown, PA. 18103	H- 437-6147	
Mrs. Betty Stritzel 720 Old York Road Bethlehem, PA. 18018	O- 867-4233	Exec. Director - Bethlehem Senior Citizens Council
Mr. Frank Stuber Phoebe Apt. - Apt. 423 1901 Linden St. Allentown, PA. 18104	H- 433-1080	Hi Rise Representative
Ms. S. Elizabeth Taylor Exec. Director Lehigh County Senior Citizens Center S.W. 28th St. & Arcadia Ave. Allentown, PA. 18103	O- 791-0275 H- 434-8438	Exec. Director - Lehigh County Senior Citizens Center
Mr. Harry R. Warren 1616 Liberty St.- Apt. 814 Allentown, PA. 18104	H- 435-4886	B'nai B'rith
Mr. William Otter 1148 N. 20th St. Allentown, PA. 18104	H- 435-5354	

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Sue Williams
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Congressman Don Ritter's

LEHIGH VALLEY SENIOR CITIZENS ADVISORY COUNCIL

(First Meeting)

L.V. Senior Citizens' Perspectives on:

(1) Health

(2) Housing

(3) Food

(4) Energy

(5) Transportation

(6) Jobs

8 3 0 4 0 4 0 1 1 2

B

CONGRESSMAN DON RITTER'S

LEHIGH VALLEY SENIOR CITIZENS ADVISORY COUNCIL

SECOND MEETING - January 16, 1980

AGENDA

I. Background on legislation approaches by Rep. Ritter to senior citizen problems.

II. SSI $157 Heating Assistance checks

a. Reaction?
b. Course of Action?

III. Heating Bills

a. CACLV and DPA requirements vary

IV. Housing

a. Year's wait on subsidized housing

V. Social Security

a. HR 6012 would bar taxing Social Security cash benefits

VI. Newsletter Communications

a. Northampton County blanketed, possibly 8,000 recipients of various publications

b. Need greater input from Lehigh County on reaching all senior citizens

C

DON RITTER
15th District, Pennsylvania

ENERGY AND
COMMERCE COMMITTEE

SUBCOMMITTEES:
HEALTH AND ENVIRONMENT
ENERGY CONSERVATION AND POWER
OVERSIGHT AND INVESTIGATIONS

HELSINKI COMMISSION
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

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DISTRICT OFFICES:

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Allentown, Pennsylvania 18101
(215) 439-8561

Room 705
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Easton, Pennsylvania 18042
(215) 258-8383

SENIOR CITIZENS ADVISORY COUNCIL MEETING

JUNE 13, 1981

AGENDA

1. Discussion of the Social Security problem.

2. Discussion of the major proposals being considered.

3. Open discussion of concerns of senior citizens and possible alternatives.

D

Congressman DON RITTER

Reports to the L.V.

Reunited at Kennedy Airport: Congressman Ritter helped bring two-year-old Mark Skorka and his grandmother, Ilona Sarodi, out of Communist Hungary. His parents, George and Aniko, had not seen him in 15 months.

Back together again!

July 26, 1982, was a joyous day for George and Aniko Skorka, who were united in New York City with their two-year-old son Mark. For 15 months, Mark had been held hostage in Hungary by Communist officials. For months, as a member of the Commission on Security and Cooperation in Europe (the Helsinki Commission), I had worked and negotiated to help this lovely family get back its only child. Being at the reunion was an experience I wouldn't have missed for anything.

George and Aniko had fled Hungary in spring 1980 and were granted political asylum. They left Hungary because of harassment by Communist officials, which followed George's refusal to report to police on people's discussions in the Budapest restaurant he managed.

After working through normal channels and twice being denied an exit visa for Mark, I decided to introduce a resolution to disapprove renewal of Hungary's most favored nation status. (That shores up Hungary's economy by giving them trade privileges not available to Communist countries.) Shortly thereafter, the Hungarians issued the visa and I withdrew the resolution.

That should have been the end of it. But next the Hungarians refused to issue a travel visa for Mark's grandmother. That caused a Catch-22 situation, since international law prevents a child from traveling alone. And the parents certainly could not return.

Learning of that hitch, I applied for a Hungarian travel visa, packed an overnight bag and got ready to fly to Budapest to bring back the boy myself. Hours later, bag packed, visa and passport secured, the Hungarian government relented. I flew to New York City to witness the touching reunion. It was an explosion of joy, something I'll never forget.

Saving L.V. jobs at Western & Bell: No breakup

Recently, I took a strong stand in the Energy and Commerce Committee against legislation which would have been extremely harmful to the more than 4,000 workers at Western Electric's and Bell Labs' Lehigh Valley facilities.

The bill, HR 5158, sought to place unprecedented regulations and restrictions on Western and Bell Labs activities: it would have hurt their ability to work together in developing new, cost-saving technology, and their ability to compete here and abroad against domestic and foreign telecommunications giants. It would have made one set of rules favoring competition for all of AT&T's competitors, and another set of rules preventing Western and Bell Labs from competing with others.

HR 5158 was not good legislation for Lehigh Valley workers and our economy, and this year we prevailed in stopping it.

It came out of the Telecommunications Subcommittee on a unanimous vote, but on the full committee we were able to beat it back. Opponents of the legislation, myself included, began to win on key amendments. Many of these key amendments were similar to what Judge Greene, reviewing the AT&T-Justice Department settlement, recently agreed to.

Once momentum began to go our way, other committee members began to realize just how this legislation would hurt workers and consumers alike. Shortly thereafter, it became clear that the bill would have an extremely hard time getting passed, so the bill's author withdrew it from further consideration.

Something similar to HR 5158 could come up again. If it does, I'll continue to work for telecommunications legislation which promotes competition and technological advancement, not legislation which protects competitors at the expense of Lehigh Valley workers. Given the opportunity, Western and Bell Labs workers will create great new products which can be produced here in the Lehigh Valley.

E

A flat tax: simpler & fairer?

Everywhere I go in the Lehigh Valley, people ask about the flat income tax rate. The movement for a flat tax is gaining support, in Washington as well as in the Lehigh Valley, and its simplicity looks appealing, especially when you consider the current system's many deductions, exemptions, and forms—not to mention tax bracket creep. But what is this flat tax all about? What are the pluses and the minuses?

Theoretically, a flat tax for individuals and corporations means that income would be taxed at a flat rate, perhaps 15 or 16 percent, banishing all deductions and exemptions from the tax code. Those in favor of reforming the present tax code with a flat tax argue there are many benefits to be gained through this approach. A single tax rate would cut through the maze of tax brackets and exemptions, simplifying the filing procedure for the taxpayer. Many feel a single tax rate will improve compliance with the law and bring more dollars into the Treasury. The elimination of many deductions would close loopholes many people in high-income brackets use to avoid paying taxes. For a healthier economy, a tax rate with few deductions would discourage tax shelters and promote more productive investment.

But who gets deductions?

Some say we need to keep certain deductions—those that help stimulate depressed industries (such as the home mortgage interest deduction), medical deductions, exemptions for those on fixed incomes (such as Social Security) or those receiving veterans' benefits, or deductions that help "non-profit" organizations (such as the charitable donations deduction).

The big problem is, where does the flat tax draw the line? You can just see all the different interest groups coming out in favor of keeping their deductions. A number of legislative proposals already have been introduced, ranging from a simple tax with very few deductions, to other variations loaded with deductions.

In an effort to sort out some of these questions, I have co-sponsored legislation directing the Secretary of the Treasury to conduct a study of a flat income tax rate for individuals and corporations.

Our present tax code is burdened with complicated deductions and exemptions that encourage tax shelters—Caribbean-island deals for the wealthy—which gulp dollars needed to rebuild American industry. It is ultimately the taxpayer and the consumer who suffer through lower productivity and fewer jobs. The time has come to simplify our present tax code. The flat income tax rate is an idea with a lot of merit; it deserves a full hearing.

Ritter: no tax [illegible] for Congress[illegible]

This June, Congress voted [illegible] $75-a-day tax deduction [illegible] Congress—an effort I who[illegible] ported. This repeal was final[illegible] after a long, hard battle to rig[illegible] committed last year.

I shared the frustration of [illegible] Lehigh Valley over the deduc[illegible] gress wrapped itself in a protec[illegible] cial cocoon, unwilling to make [illegible] fices that were being asked of the A[illegible] people. That's why, this Januar[illegible] sponsored legislation to repeal [illegible] tion to restore the $3,000 limit [illegible] ized living expenses. I signed a[illegible] to discharge the bill from commi[illegible] to bring it immediately to the Ho[illegible] for a vote. And when it came to [illegible] I voted to repeal!

In addition to voting for repeal of [illegible] special deduction, I refused to [illegible] vantage of the deduction on my p[illegible] tax return.

Members of Congress shouldn't [illegible] financial windfall when the nati[illegible] an economic crisis of high unempl[illegible] and high interest rates. I'm plea[illegible] this wrong against the American ta[illegible] has been righted.

Hinckley verdict: insane!

The verdict of not guilty by reason of insanity against John W. Hinckley, Jr., attempted assassin of President Reagan, is an outrage. It proves that the insanity plea, abused too often as a rich man's defense, should be reformed.

The insanity defense frequently allows convicted persons to be freed. While we need to protect the rights of the accused, we also need to protect our society from being victimized by clever defendants and their lawyers, who twist the law to their own ends.

To remedy this injustice, I have co-sponsored legislation with an alternative plea of "guilty but mentally ill." This plea would allow courts and juries to recognize a defendant as being mentally ill, but nevertheless hold him responsible for his criminal actions. While sentencing a defendant found guilty but mentally ill, the court could commit the defendant to a mental hospital or other suitable facility for treatment of his mental condition. If the defendant should recover from his mental condition, he would then be transferred to a prison to serve the remainder of his sentence.

The "Son of Sam" murderer claimed a 1,000-year-old dog told him to kill those people in New York. Hinckley claimed it was his obsession with a young actress. Whatever the reason, people cannot be allowed to shoot and kill, maim, and then escape the consequences simply by pouring vast sums of money into sophisticated legal maneuvers.

Lenny Motolese, 6, of Allentown, shows Don his award-winning food safety poster. Lenny, who goes to Our Lady Help of Christians School, Allentown, won first prize in the poster contest sponsored by the U.S. Department of Agriculture's Food Safety and Inspection Service.

L.V. update: inside the 15th District

Congressmen work in Washington, D.C., but the work they do there benefits their home communities. Here are some projects I've worked closely on that are important to the 15th District.

★ **Broad and Main Street in Bethelehem.** Ground was broken August 6 for the three-story, $3.2 million office building. Vital to the development of the city's downtown, it's partly financed by private investment and partly by a grant from the Department of Housing and Urban Development (HUD). By urging HUD officials to grant deadline extensions while the City of Bethlehem developed its plans, I was able to convince HUD how important this project is for the city's economy and jobs.

★ **HUD funding switch.** At my urging, HUD has approved a funding switch involving Bethlehem's Parkridge and South Terrace housing projects. This is good, because it lets the community—not bureaucrats in Washington—decide how it can best house its lower-income people. And with demolition at the two projects displacing people from their homes, it's essential to provide replacement housing as soon as possible.

★ **Flood damage in Lehigh County.** In August, torrential downpours caused the loss of one life and devastating property damages estimated at more than $7 million. At my urging, the Small Business Administration declared Lehigh County a disaster area.

★ **Senior citizens picnic.** Along with my Senior Citizens Advisory Council, my office has planned a senior citizens picnic and public forum for 1-5 p.m. September 25 at Macungie Park, off Main Street in Macungie. There will be plenty of free food, beverages, and entertainment plus the opportunity for us to meet and talk about what's of concern to you.

Your opinion: Less red ink

Balance the federal budget by slowing the growth of government spending, not increasing taxes! Preserve the 10 percent personal tax cuts of this past July and July 1983. Pass a constitutional amendment to limit the growth of federal spending to the amount of tax revenue received. Those are some of the things that most of the people in the Lehigh Valley want Congress to do, according to the results of the 10-question opinion survey I sent this summer to every household in the 15th District.

Here are the complete results:

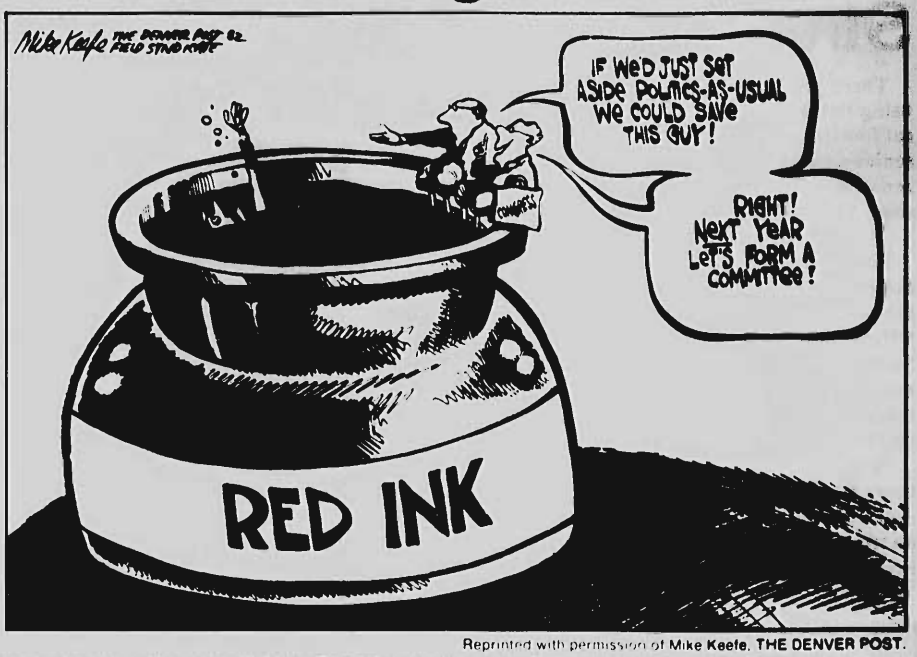
*Eighty-seven percent of those answering the questionnaire said Congress should work toward a balanced budget through "slowing spending growth, even if it means a program of importance to you personally." The remaining 13 percent said the budget should be balanced through tax increases.

*Ninety-two percent agreed with the "general policy goal of this administration to reduce the growth of federal spending." Eight percent disagreed.

*Fifty-seven percent felt the 10 percent personal tax cuts (of July 1982 and July 1983) should not be set aside in an effort to reduce the budget deficit. Forty-three percent felt the cuts should be set aside.

*Eighty percent said they would "support an increase in the excise taxes for tobacco and alcohol to offset federal health care expenditures for alcohol- and smoking-related health problems." Twenty percent said they would not.

*Sixty-one percent said they would "favor a constitutional amendment limiting the growth of federal spending to the amount of tax revenue received." Thirty-nine percent said they would not.



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Most people answering Don Ritter's opinion survey supported balancing the federal budget by slowing the growth of government spending—not by increasing taxes.

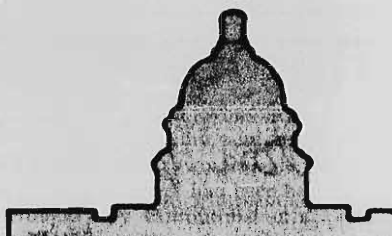
*Sixty-five percent said persistent unemployment should be addressed by "establishing cooperative private-sector programs with limited seed money contributed by taxpayers." Twenty-four percent said it should be addressed by "establishing new taxpayer-funded public works programs." Eleven percent either checked both responses, or neither.

*Seventy-two percent favored a needs test for "guaranteed loans for college students to families with annual incomes that exceed $30,000." Twenty-two percent were not in favor of a needs test. Those were the only two responses to choose, but six percent were either unsure or totally against all loans.

*Eighty-nine percent believed "unnecessary" an automobile emissions inspection maintenance program, for all Lehigh Valley automobiles, that could cost $25-$300 per car a year. Eleven percent supported the additional inspection.

*Thirty-nine percent said they don't think a freeze on U.S. nuclear weapons is a realistic method of arms control. Thirty-four percent favored a freeze, "linked to what the Soviet Union does," and 27 percent favored a freeze "regardless of what the Soviet Union does."

*Given lower prices of gasoline at the pump, 50 percent said they would be willing to pay a 5c-per-gallon tax on gas, "if these funds went towards the repair of state and local roads and bridges." Forty-six percent said they wouldn't be willing to pay. The rest didn't respond.



Legislative Update: House passes Ritter bill

After three years of hard work, the House of Representatives has passed my bill to bring scientific sense to the regulation of health, safety and the environment. As one of only three members of Congress with scientific background, I know how much our jobs depend on intelligent regulation.

Besides my bill, HR 6159, other bills before the Congress have had my support and my votes. (This session, my voting record is 99 percent.) Here's a partial list of legislation I've co-sponsored and voted for this year.

Reduction of Smoking Hazards: Establishes a national program, under an office of Smoking and Health, to inform the public of the dangers of smoking, to change label requirements for cigarettes and to outline more clearly the hazards associated with smoking.

Veterans' Children: Provides student benefits for sons and daughters of combat veterans who have lost their lives in the service of their country.

Home Health Care: Provides Medicaid coverage for those disabled children who can be cared for at home more inexpensively than in the hospital.

Anti-Drunk Driving: Provides incentives for states to establish drunk driving programs and other alcohol traffic safety programs.

Limits on Defense Spending: Cuts $1.7 billion from the defense budget. This vote let the administration know that the Congress is serious about putting some limits on defense spending.

Locating Missing Children: Sets up a computer system which serves as a clearinghouse for missing children, aiding law enforcement activities throughout the country in locating such children.

Senior Citizen Employment: Expresses the sense of Congress that funding for the Title V Senior Community Employment program—which employs senior citizens in private, non-profit agencies—should be maintained at the level needed to keep the number of jobs at current levels.

Strengthening Social Security

There are some in Washington that are using the Social Security system as a political football, confusing and frightening many senior citizens.. Some are telling senior citizens there is no problem. But the facts are clear: the problem is real.

The Social Security system could be $10.1 billion in the red by fiscal year 1983, according to the nonpartisan Congressional Budget Office. The combined trust funds within the Social Security system are losing $17,000 a minute around the clock. If no action is taken, the system may not have enough to pay benefits as early as next summer.

Why is the system in trouble? Simply put, more money is going out than is coming in. Although many think Social Security is like an insurance policy, or an annuity, it is not. Social Security is a "pay-as-you-go" system. What goes out is what comes in.

The FICA taxes of people now working pay the benefits of people now retired. In 1950, 16 people worked and paid FICA taxes for every one retiree. Now, some three workers support each retiree, and beyond the year 2000, the ratio could fall as low as 1.5 workers for every retiree.

And the Social Security system, in recent years, has grown beyond the original intent of a supplemental retirement system. Welfare-like benefits have been extended to individuals other than retirees who paid in, draining funds from the system.

Congress, in the past, has tried to patch up funding problems with short-term solutions. In 1977, before my first term in Congress, Social Security amendments were passed raising Social Security taxes and reducing benefits for future retirees. At that time senior citizens were assured that these measures would be enough to put the Social Security system on a solid financial footing for the next 40 to 50 years. In [illegible] years later, Congress passed legislation for "inter-fund" borrowing to keep the retirement fund solvent. Even if this "inter-fund" borrowing is extended, there is some doubt whether this will be enough. It is clear that short-term solutions cannot meet the present funding crisis. Long-term solutions have to be considered.

The President's National Commission on Social Security is presently reviewing many proposals, and is expected to make recommendations by December. Why December? To prevent the Social Security solvency issue from being the victim of political posturing and campaign rhetoric. The funding problem is real, and so are the fears of many senior citizens regarding their benefits. However, reasonable people can agree on reasonable solutions. It's my intent to do everything I can to preserve the integrity of the Social Security system and maintain the benefits of present Social Security recipients.

write to:

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124 Cannon Building
Washington, D.C. 20515
(202) 225-6411

Allentown office: (215) 439-8861

Bethlehem office: (215) 866-0816

Easton office: (215) 258-8383

Hall of Famer: Don Ritter receives the Golden Age Hall of Fame Certificate from Elizabeth Cowles, chairman of the board of directors of the National Alliance of Senior Citizens. The Alliance, which has 768,000 members nationwide, gave Ritter a 90% score on its annual voting index. The index is based on key votes in Congress on limiting spending, halting inflation, cutting taxes, reducing crime and reducing over-regulation.

Congress of the United States
House of Representatives
Washington, D.C. 20515

OFFICIAL BUSINESS

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Pennsylvania

Congressman DON RITTER Reports to the Lehigh Valley

Congressman DON RITTER'S *SENIOR CITIZENS REPORT*

JULY 1982

Dear Friend:

I am pleased that my senior citizen friends will receive a much needed 7.4 percent cost-of-living increase in their Social Security checks effective July 1. This will go a long way in helping seniors meet the rising cost of health care, food, shelter, and fuel. Inflation has hit no sector of our population harder than the elderly and I continue to support efforts to produce an economy free of inflation. Some progress can already be seen with the inflation rate the lowest in over half a decade. The slowing of inflation means more dollars for Lehigh Valley senior citizens at the supermarket, gas station, and when its time to pay monthly bills.

During the debate on the budget for fiscal year 1983, concern was expressed over the proposals affecting the Social Security program. I supported a legislative initiative where I opposed the reduction of current benefits for Social Security recipients. The financial solvency of the Social Security system is a major priority and must be addressed adequately and fairly. I am pleased Congress chose not to preempt the findings of the President's National Commission on Social Security. I look forward to the commission's recommendations expected later this year.

I want to take this opportunity to update you on efforts I have made to further protect the security of senior citizens and share with you information I hope you will find helpful.

Sincerely,

Don

RITTER AUTHORS BILLS TO BENEFIT LEHIGH VALLEY SENIOR CITIZENS

The quality of life for those senior citizens on a fixed income has been a particular concern of mine since coming to Congress. I have introduced legislation designed to improve the quality of life for these seniors.

*H.R. 2505 allows a family to take a tax credit of up to $1,000 a year to care for a dependent senior citizen over 65 living in the home. This bill not only offers the chance for a richer life close to loved ones for many elderly, but it also eases the financial pressures and overcrowding at existing senior citizen homes.

*H.R. 5328 provides for those 65 and older that a declaration of estimated tax shall not be required and no penalty shall be imposed where the amount involved is under $500. Many senior citizens have been penalized for not declaring and paying estimated tax for income subject to withholding. This bill will relieve many senior citizens on fixed incomes of the burdensome penalties for not declaring and paying estimated tax and further protect them from loss of income.

RITTER COSPONSORS BILLS TO PROTECT LEHIGH VALLEY SENIOR CITIZENS

*Legislation to prohibit the taxation of Social Security benefits.

*Legislation to stop Social Security benefit checks going to deceased recipients -- saving Social Security up to $60 million.

*Legislation to instruct the Commissioner of Social Security to immediately conduct a study on reforms to correct the Social Security benefit inequities resulting from the 1977 Social Security Amendments.

F

*Legislation to strengthen the authority of the U.S. Postal Service to deal with fraud perpetrated through the mail. Sixty percent of all medical quackery perpetrated through the mail is directed at the elderly.

RITTER'S SENIOR CITIZEN INTERNS

Direct input from senior citizens has always been one of my most valued resources. That is why in May, Ralph and Estelle Rush, spent a week in my Washington office as participants in the Congressional Senior Intern Program. This program brings selected senior interns to our nation's capital for a week filled with hearings, briefings, and meetings with legislative leaders. The Rushes spent time with me and my staff offering valuable insights into the concerns of the senior citizens in the Lehigh Valley. If you are interested in participating next year please contact my office.

TIPS FOR SENIOR CITIZENS

The House Select Committee on Aging prepared some common sense dos and don'ts about medigap insurance based on findings from Congressional hearings.

MEDIGAP INSURANCE

*Do make sure you understand exactly what Medicare covers and the "gap" in coverage you must accommodate. Make any insurance agent you deal with show you exactly what his/her company's policy covers that medicare and your existing policies do not.

*Don't buy a policy that insures only against a single disease. Choose a comprehensive policy that pays benefits for all diseases or accidents.

*Don't buy policies with unreasonably long waiting periods or tough restrictions on pre-existing conditions. A person with a history of arthritis of the knee who falls and breaks a hip may, under some "medigap" policies, find the insurance company refusing to honor his claim on the basis of a "pre-existing condition."

*Don't buy on the spot. Before you sign anything, demand a sample copy not just a brochure. Ask for the agent's business card and say you will call if you decide to buy. Don't give a check to a salesperson who, minutes before, was a total stranger.

*Do speak up if you think you've been cheated. Report any problems to your state's commissioner of insurance. We can steer you in the right direction, if you have a problem.

RETIREMENT PLANNING INSURANCE

If you are over 55 and have been contributing to Social Security, you can request a computerized estimate of retirement benefits from the Social Security Administration. While your actual benefits cannot be determined until you retire, you can receive an estimated projection based on your earnings to date.

To request this service write to the Social Security Administration and ask for a "statement of earnings and estimate of retirement benefits." Include your name, address, date of birth, and Social Security number. Mail your request to Social Security Administration, P.O. Box 57, Baltimore, Maryland 21203.

As some in Congress attempt to have the government live within its means, just as senior citizens do, it is important that the specific needs of our elderly are not overlooked. I am grateful to have your ideas and I hope you will continue to share your thoughts with me. And, if you have any problems with your Social Security or Medicare benefits or any federal agency, I want you to know I stand ready to assist you. Please don't hesitate to contact me.

As a nation we owe our Older Americans a great deal. They have overcome many obstacles to provide us with the freedoms and security we enjoy today. In turn, our concern for the elderly must never be passive - our debt is great and our responsibilities many.

PAYROLL AUTHORIZATION

(Please Use Typewriter or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any [illegible], [illegible], or [illegible] on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
[illegible]	September 15, 1982
Employee Social Security Number	**Type of Action**
[illegible]	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business [illegible]) (Specify date)
Employing Office or Committee/Subcommittee	
[illegible]	

(If type of action is an Appointment, Salary Adjustment or Title Change, complete appropriate information below.)

Position Title*	Gross Annual Salary**

*Nonpermanent employees designated as Part-Time Employees, Washington, D.C. Interns, Temporary Employees, or Shared Employees will automatically receive the respective designation as their position title.
**If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

☐ Permanent
☐ Nonpermanent (must specify one of the following categories)
- ☐ Part-Time Employee
- ☐ Washington, D.C. Intern
- ☐ Temporary Employee
- ☐ LWOP Employee
- ☐ Shared Employee

_____ (Specify one other employing authority)

If appointed employee will be assigned to an approved Legislative Support Organization, please list organization name.

_____ (Organization name)

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff— ☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number ..... If applicable, Level ..... Step .....
If position transfer, previous position number ..... Level ..... Step .....

Date [illegible] 15, 19 82

..... (Signature of Authorizing Official)

Hon. Don Ritter
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member) (Type or print name of Authorizing Official)

15 [illegible]
(Type or print name and title of above official) (Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: ..... (Chairman, Committee on House Administration)

Appropriation Code:	Office of Finance use only	ID .....
	(Monthly Annuity $.....00)	Benefits .....
	as of	Payroll .....

G

(Revised: November 5, 1980)
LLP—3

Copy for Initiating Office or Committee

8 3 0 4 0 4 4 0 1 2 4

PAYROLL AUTHORIZATION FORM

(Please Use Typewriter or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives: I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	Effective Date
[illegible]	October 1, [illegible]
Employee Social Security Number	**Type of Action**
[illegible]	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business November 8, 1984 (Specify date)
Employing Office or Committee/Subcommittee	
Hon. Don Ritter	

(If type of action is an Appointment, Salary Adjustment or Title Change, complete appropriate information below.)

Position Title*	Gross Annual Salary**

*Nonpermanent employees designated as Part-Time Employees, Washington, D.C. Interns, Temporary Employees, or Shared Employees will automatically receive the respective designation as their position title.

**If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Clerk Hire Employee, complete appropriate item(s) below.)

☐ Permanent
☐ Nonpermanent (must specify one of the following categories)
- ☐ Part-Time Employee
- ☐ Washington, D.C. Intern
- ☐ Temporary Employee
- ☐ LWOP Employee
- ☐ Shared Employee

_____ (Specify one other employing authority)

If appointed employee will be assigned to an approved Legislative Support Organization, please list organization name.

_____ (Organization name)

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number ..... If applicable, Level ..... Step .....
If position transfer, previous position number ..... Level ..... Step .....

Date ..... , 19 84 ..... (Signature of Authorizing Official)

..... (If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

HON. DON RITTER (Type or print name of Authorizing Official)

..... (Type or print name and title of above official)

15 PA (Title—If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: ..... (Chairman, Committee on House Administration)

Appropriation Code:	Office of Finance use only	ID .....
	(Monthly Annuity $ ..... 00)	Benefits .....
	as of	Payroll .....

(Revised: November 5, 1980)
LLP—3

H

Lehigh Valley
Senior Citizens Day

Sept. 25, 1982
Macungie Park

№ 1200

KEEP THIS TICKET

№ 1200

FOOD TICKET

I

DON RITTER
15TH DISTRICT, PENNSYLVANIA
•
ENERGY AND
COMMERCE COMMITTEE
SUBCOMMITTEES:
COMMERCE, TRANSPORTATION AND TOURISM
ENERGY CONSERVATION AND POWER
• •
HELSINKI COMMISSION
COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

124 CANNON OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-6411
DISTRICT OFFICES:
•
SUITE 300
1 BETHLEHEM PLAZA
BETHLEHEM, PENNSYLVANIA 18018
(215) 868-6918
•
ROOM 213
ALLENTOWN POST OFFICE BUILDING
ALLENTOWN, PENNSYLVANIA 18101
(215) 439-8661
•
ROOM 705
ALPHA BUILDING
EASTON, PENNSYLVANIA 18042
(215) 258-6353

FILE LETTER INDICATING
JULY 26, 1982 MEETING
OF SENIOR CITIZENS ADVISORY COUNCIL

Dear

In recent months I've been communicating with the senior citizens of the Lehigh Valley in many ways. I have mailed a senior citizens report throughout the area, met personally with individuals and various senior citizens organizations, and this Spring participated in the Congressional Senior Intern program in Washington. Mr. and Mrs. Ralph Rush of Easton spent a week attending briefings and hearings on Capitol Hill and working with me and my staff. The Rushes continue to keep in touch with me and are sharing their experience with senior citizens back in the Valley.

Now I am planning what I believe will be a productive and enjoyable way to further communicate with seniors on issues of importance to all of us -- a senior citizens picnic and forum sponsored by my Lehigh Valley Senior Citizens Advisory Council to take place in September. I picture a day of good food, entertainment, games and the chance for me to hear and respond to the questions and concerns of our area's seniors. We will attempt to invite every senior in the 15th Congressional District and I look forward to a great turnout.

I would like to invite you to attend a planning meeting where the specifics of the picnic will be discussed. My staff has already begun working on the project. We'll be looking for your ideas on how we can best make the day productive and fun for everyone. The meeting will be held on Monday, July 26th at 10 a.m. in the 11th floor hospitality suite of the First Valley Bank, 1 Bethlehem Plaza, Bethlehem.

I hope you will be able to attend the meeting and participate in the picnic. Your input will play a major role in making the day a success.

With best wishes, I am

Sincerely,

DON RITTER
Member of Congress

DR:jmt

K

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BERGER and COMPANY, INC.
Advertising • Public Relations • Marketing

RADIO COPY

CLIENT DON RITTER FOR CONGRESS COPY INSTRUCTIONS:

COPY NO.

TIME :30

ANNCR: SOON AFTER DON RITTER WAS CHOSEN TO BE OUR CONGRESSMAN FOUR YEARS AGO, HE ORGANIZED A SENIOR CITIZENS ADVISORY COUNCIL TO KEEP IN CLOSE TOUCH WITH THE NEEDS OF OLDER PEOPLE. LISTEN TO WHAT ROBERTA NOLL, AN ACTIVE SENIOR CITIZEN IN WHITEHALL, HAS TO SAY:

(Roberta's Voice) — "CONGRESSMAN DON RITTER UNDERSTANDS THE PROBLEMS OF SENIOR CITIZENS. HE'S OUR FRIEND. HE HAS FOUGHT HARD TO PROTECT OUR SOCIAL SECURITY. HIS DOOR IS ALWAYS OPEN. DON RITTER HAS EARNED THE RIGHT TO YOUR SUPPORT AND YOUR VOTE ON NOVEMBER 2ND."

DISCLAIMER

J

3 3 0 4 0 4 4 0 1 2 3

B & B Building • 546 Hamilton Street • Post Office Box 1111 • Allentown, Pennsylvania 18105 • 215-435-9687

DON RITTER
19th District, Pennsylvania

ENERGY AND
COMMERCE COMMITTEE

SUBCOMMITTEES:
COMMERCE, TRANSPORTATION AND
TOURISM
ENERGY CONSERVATION AND POWER

HELSINKI COMMISSION
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE

Congress of the United States
House of Representatives
Washington, D.C. 20515

124 Cannon Office Building
Washington, D.C. 20515
(202) 225-6411

DISTRICT OFFICES:

Suite 300
2 Bethlehem Plaza
Bethlehem, Pennsylvania 18018
(215) 865-8016

Room 212
Allentown Post Office Building
Allentown, Pennsylvania 18101
(215) 439-8661

Room 705
Alpha Building
Easton, Pennsylvania 18042
(215) 258-6363

FILE LETTER INDICATING
AUGUST 23, 1982 MEETING
OF SENIOR CITIZENS ADVISORY COUNCIL

Dear

This is to remind you of the date for our senior citizens picnic and forum, and the next scheduled meeting to discuss our plans for that event. The revised date for Senior Citizens Day is Saturday, September 25th, 1 to 5 p.m., at Macungie Park, off Main Street in Macungie.

I have reserved the 11th floor hospitality suite of the First Valley Bank Building, 1 Bethlehem Plaza, Bethlehem for our next meeting on Monday, August 23, at 10:30 a.m. Posters, flyers and sign-up sheets have been printed and will be available at that meeting. I have enclosed some flyers for you to have before our meeting.

My staff will also have a report on our progress to date with transportation, door prizes and other important aspects of Senior Citizens Day. I hope you will be able to attend this meeting and help to finalize our preparations.

With best wishes, I am

Sincerely,

DON RITTER
Member of Congress

DR:jmt
Enclosures

L

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1983

J. Jackson Eaton, III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101-2488

Re: MUR 1555

Dear Mr. Eaton:

This is in reference to your letter dated July 1, 1983, requesting an extension of 30 days to respond to the Commission's notice that it has received a complaint which alleges that your clients violated the Act.

The Office of General Counsel has reviewed your request and grants you the additional time. Therefore, your response is due by Friday, August 12, 1983.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: JULY 19, 1983

SUBJECT: MUR 1555 - First General Counsel's Report signed July 15, 1983

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00, July 18, 1983.

There were no objections to the First General Counsel's Report at the time of the deadline.

83040440131

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 15, 1983

SUBJECT: MUR 1555 - First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	[ ]	Compliance	[X]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[X]	Litigation	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

83040440132

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

FIRST GENERAL COUNSEL'S REPORT 83 JUN 15 P12: 42

SENSITIVE

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION_____

MUR 1555
DATE OF COMPLAINT RECEIVED
BY OGC 6/13/83
DATE OF NOTIFICATION TO
RESPONDENT 6/15/83
STAFF MEMBER Thedford/Johansen

COMPLAINANT'S NAME: Richard J. Orloski

Respondent's Name: Don Ritter for Congress Committee
HFG Management Corporation
Newhart Foods, Inc.
McCormack Equipment Inc.
Lehigh Valley Senior Citizens Advisory Committee

Relevant Statute: 2 U.S.C. § 441b(a)

Internal Reports Checked: Don Ritter For Congress

Federal Agencies Checked: N/A

SUMMARY OF ALLEGATIONS

The complaint filed by Richard Orloski contains the same allegations as alleged in his previously filed complaint numbered MUR 1476. This complaint, however, rebuts the response of the Don Ritter for Congress Committee ("Ritter Committee") to the allegations in MUR 1476 and submits additional information concerning the violation.

The allegations centers around a picnic held by the Lehigh Valley Senior Citizens Advisory Committee 38 days before the general election. Orloski alleges that the event is political in nature and advocated the re-election of Ritter; thereby making the donations of food and transporation illegal corporate contributions.

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Orloski submits that campaign workers were at the picnic, the park was ringed with posters urging the re-election of Ritter, labels worn by workers were paid for by the Ritter Committee, the Lehigh Valley Senior Citizens Advisory Committee subsequent to the picnic event did radio ads for the Ritter Campaign, and lastly, the Lehigh Valley Senior Citizens Advisory Committee did not meet in 1982 making the planning of the event virtually impossible.

Letters were sent to the respondents on June 15, 1983, notifying them of the filing of the complaint.

On July 1, 1983, J. Jackson Eaton III submitted a letter to the Commission. The letter stated that he was representing the Don Ritter For Congress Committee and Congressman Ritter and requested an extension of 30 days to respond to the complaint. (See Attachment I). The extension was granted by the Office of General Counsel on July 12, 1983. Therefore, the Ritter Committee's response is due Friday, August 12, 1983.

Upon receipt and analysis of the response, a report will be forwarded to the Commission.

July 15, 1983
Date

Charles N. Steele
General Counsel

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

Attachment
I. Eaton Letter

8 3 0 4 4 0 1 3 7

Cont. 425

83 JUL 6 AM 8:44

LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
439-1451
TELECOPIER 215 439-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
EDWARD A. FEDOK
WILLIAM H. FITZGERALD
THOMAS C. SADLER, JR.
OLDRICH FOUCEK III
GARY S. FIGORE, P.C.
JACK J. JOHNSON
FRANK A. BAKER III
EDWARD J. LENTZ
BLAKE C. MARLES
JOSEPH A. FITZPATRICK, JR.
FRANK G. PROCYK
GILBERT J. NEGRETE, JR.
JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFNER*

O. JACOB TALLMAN
(1918-1967)
HAROLD A. BUTZ
(1923-1969)
THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN NEW YORK

July 1, 1983

Ms. Judith Thedford
Federal Election Commission
Washington, D. C. 20463

RE: DON RITTER FOR CONGRESS
COMMITTEE #1555

Dear Ms. Thedford:

Please be advised that I represent Don Ritter Congress Committee and Congressman Don Ritter in the above matter.

We are in receipt of the copies of the complaints in the above matter. Many of the allegations of Mr. Orloski were answered in the response of the Don Ritter for Congress Committee to previous complaints filed by Mr. Orloski in the Fall of 1982 with regard to these same incidents.

However, in order to reply item by item to Mr. Orloski's allegations we are trying to collect additional data and cocuments to refute his charges.

However, because of the length of time since some of the alleged violations took place (some over a year ago) and the unavailability of some people because of summer holidays, we are having difficulty in acquiring the desired documentation within the 15 days provided in your letter of transmittal. Therefore, in accordance with our previous telephone conversation, I am requesting an additional 30 days in which to complete the formal reply of the Don Ritter for Congress Committee.

ATTACHMENT I

(1)

As in the previous case involving Orloski complaints against the Ritter Committee, several of the other named individuals or businesses have advised us that they have deferred to the response to the Ritter for Congress Committee. We will appreciate your acknowledgement of this letter and our requested extention of time to respond.

Thank you for your attention to this matter.

Sincerely,

J. JACKSON EATON, III

JJE,III:ekp

83040401336

Code 425

83 JUL 6 AM 8:

LAW OFFICES
BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488
AREA CODE 215
439-1461
TELECOPIER 215 439-1733

WILLIAM S. HUDDERS
ROBERT G. TALLMAN
RICHARD F. STEVENS, P.C.
JOHN R. HUDDERS
RICHARD W. SHAFFER
ROBERT J. JOHNSON
J. JACKSON EATON III
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WILLIAM H. FITZGERALD
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GARY S. FIGORE, P.C.
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FRANK G. PROCYK
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JOSEPH A. BUBBA
DENNIS F. FEELEY
JOSEPH A. HOLKO

OF COUNSEL
HERBERT M. RAFNER*

O. JACOB TALLMAN
(1928-1967)

HAROLD A. BUTZ
(1923-1969)

THEODORE J. ZELLER, JR.
(1966-1976)

*ALSO ADMITTED IN NEW YORK

July 1, 1983

Ms. Judith Thedford
Federal Election Commission
Washington, D. C. 20463

RE: DON RITTER FOR CONGRESS
COMMITTEE #1555

Dear Ms. Thedford:

Please be advised that I represent Don Ritter Congress Committee and Congressman Don Ritter in the above matter.

We are in receipt of the copies of the complaints in the above matter. Many of the allegations of Mr. Orloski were answered in the response of the Don Ritter for Congress Committee to previous complaints filed by Mr. Orloski in the Fall of 1982 with regard to these same incidents.

However, in order to reply item by item to Mr. Orloski's allegations we are trying to collect additional data and cocuments to refute his charges.

However, because of the length of time since some of the alleged violations took place (some over a year ago) and the unavailability of some people because of summer holidays, we are having difficulty in acquiring the desired documentation within the 15 days provided in your letter of transmittal. Therefore, in accordance with our previous telephone conversation, I am requesting an additional 30 days in which to complete the formal reply of the Don Ritter for Congress Committee.

83040401377

As in the previous case involving Orloski complaints against the Ritter Committee, several of the other named individuals or businesses have advised us that they have deferred to the response to the Ritter for Congress Committee. We will appreciate your acknowledgement of this letter and our requested extention of time to respond.

Thank you for your attention to this matter.

Sincerely,

J. JACKSON EATON, III

JJE,III:ekp

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BUTZ, HUDDERS & TALLMAN
740 HAMILTON MALL
ALLENTOWN, PENNSYLVANIA 18101-2488

83 JUL 6 A8:44

JUL 1 83

PA.

.20

2021959

Ms. Judith Thedford
Federal Election Commission
Washington, D. C. 20463

83040710013

GCC#351

83 JUN 21 PM 12:02

STATEMENT OF DESIGNATION OF COUNSEL

Re: MUR 1555

NAME OF COUNSEL: BUTZ, NOORS, THOMAS ATTY JACKSON EATON

ADDRESS: 740 HAMILTON MALL ALLENTOWN, PA 18101

TELEPHONE: 215-439-1451

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

83 JUN 21 PM 12:11

6/17/83
Date

Signature

NAME: ELVIN T. NEWHART

ADDRESS: 134 S. 3RD ST. COPLAY, PA 18037

HOME PHONE 215-437-4276

BUSINESS PHONE: 215-262-5675

8 3 0 4 0 1 4 0 1 4 0

NEWHART FOODS, INC.
[illegible] NORTH THIRD STREET
COPLAY, PA. [illegible]

RETURN RECEIPT REQUESTED

CERTIFIED
P 408 [illegible] 363
MAIL

JUN 13 83
83 JUN 21
U.S. POSTAGE
$1.55
02

Federal Election Commission
attn: Judith Theford
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, PA 18102

Dear Mr. Orloski:

This letter is to acknowledge receipt of your complaint which we received on June 13, 1983, against the Don Ritter for Congress Committee, Lehigh Valley Senior Citizens Advisory Committee, McCormick Equipment, Inc., Newhart Foods, Inc. and HGF Management Corporation which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

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. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Steven Barndollar at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure

83040440142

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lehigh Valley Senior Citizens Advisory Committee
c/o Ritter for Congress Committee
Jerome Kindrachuk, Treasurer
2404 Livingston Street
Allentown, PA 18104

Re: MUR 1555

Dear Mr. Kindrachuk:

This letter is to notify you that on June 13, 1983, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1555. 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 your committee 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's 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 completing the enclosed form 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.

3 3 0 4 0 4 0 1 4 2

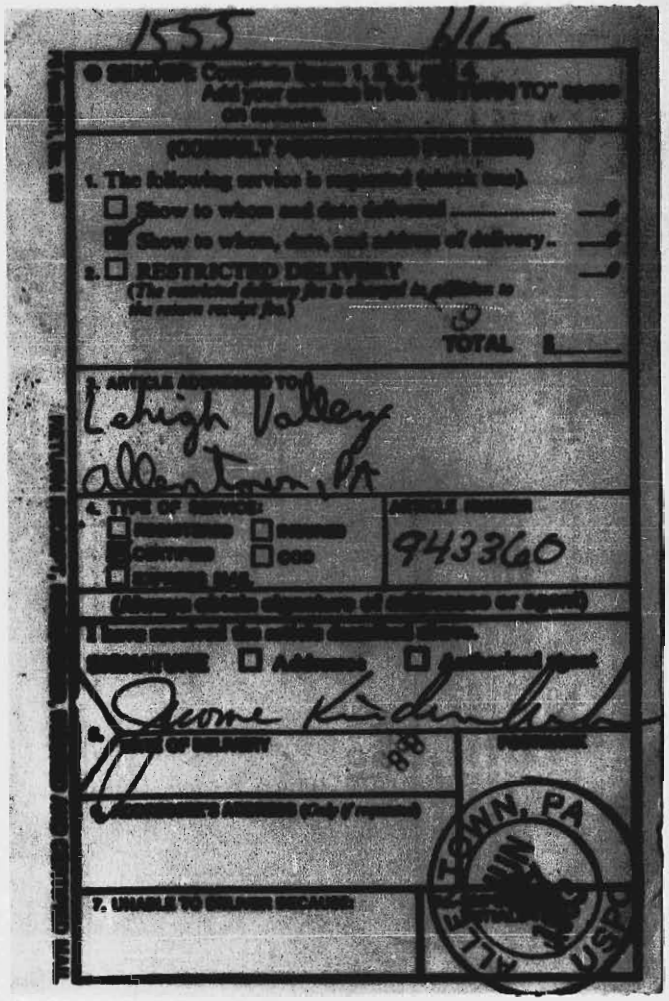
If you have any questions, please contact Judith Thedford, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Stanley McCormack
McCormick Equipment, Inc.
Preston Lane
Center Valley, PA 18105

Re: MUR 1555

Dear Mr. McCormack:

This letter is to notify you that on June 13, 1983, the Federal Election Commission received a complaint which alleges that your company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1555. 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 your company 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's 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 completing the enclosed form 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.

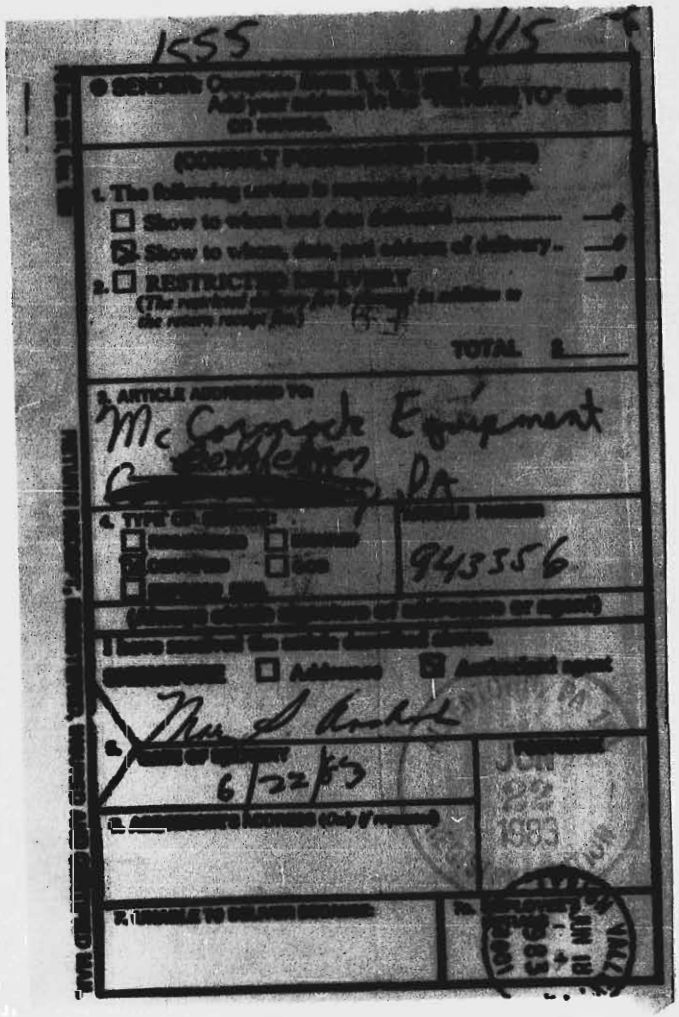
83040401 15

If you have any questions, please contact Judith Thedford, 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

By Kenneth A. Gross
Associate General Counsel



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

9 3 0 4 0 4 0 1 1 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elvin Newhart
Newhart Foods, Inc.
123 South 3rd Street
Coplay, PA 18037

Re: MUR 1555

Dear Mr. Newhart:

This letter is to notify you that on June 13, 1983, the Federal Election Commission received a complaint which alleges that your company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1555. 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 your company 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's 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 completing the enclosed form 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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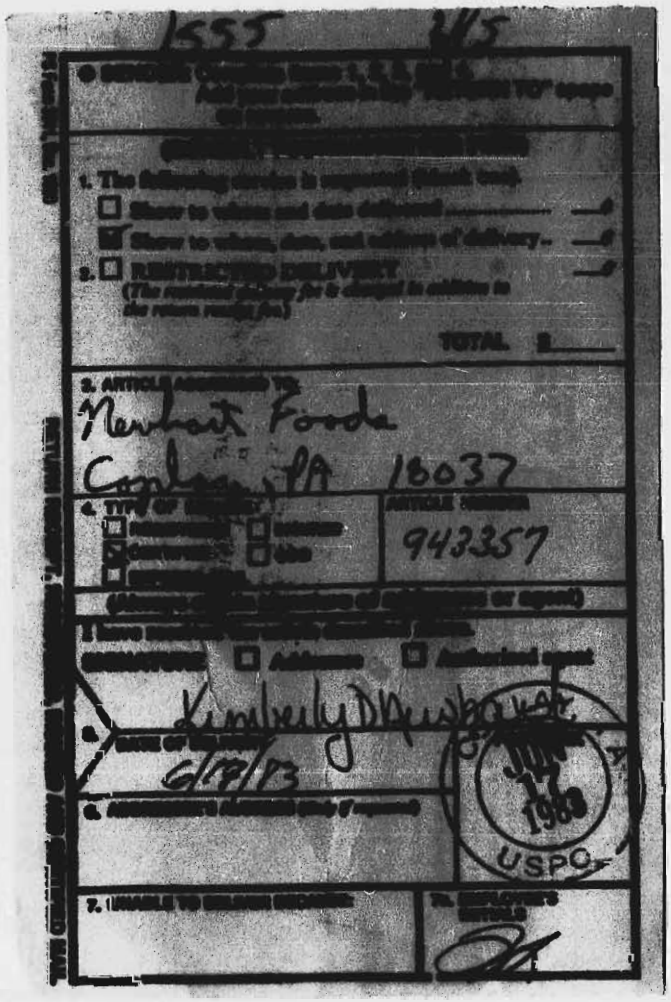
If you have any questions, please contact Judith Thedford, the staff member assigned to this matter at (202) 523-4529. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel



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

83040401112

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Harold Fulmer
HGF Management Corporation
Hotel Traylor
Allentown, PA 18105

Re: MUR 1555

Dear Mr. Fulmer:

This letter is to notify you that on June 13, 1983, the Federal Election Commission received a complaint which alleges that your company may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1555. 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 your company 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's analysis of this matter. Where appropriate, statements should be submitted under oath.

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If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and 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 Judith Thedford, 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

By Kenneth A. Gross
Associate General Counsel

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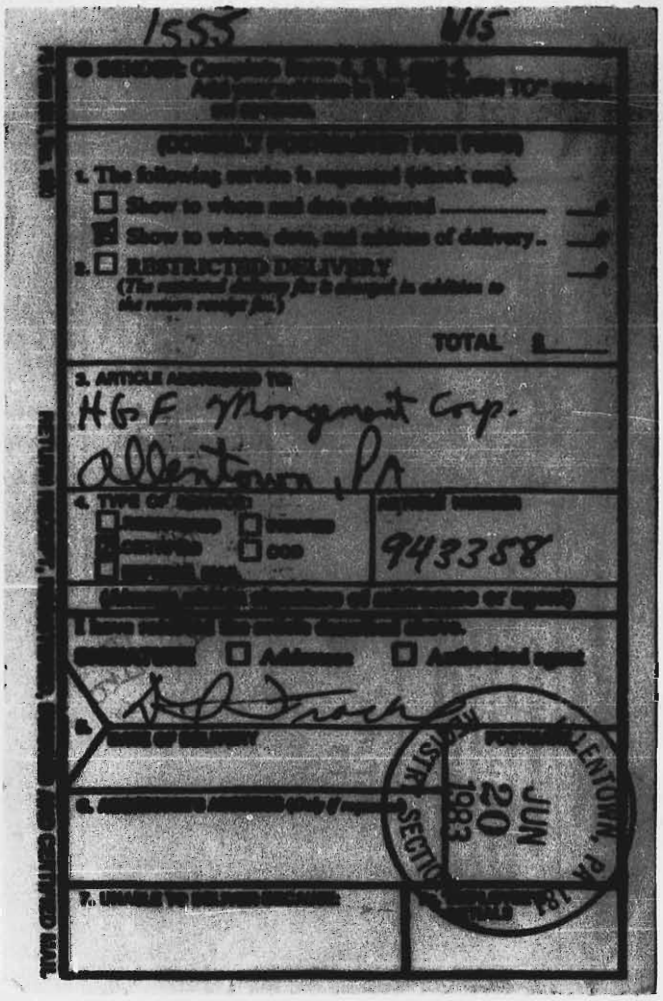


Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 15, 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Don Ritter for Congress Committee
Jerome Kindrachuk, Treasurer
2404 Livingston Street
Allentown, PA 18104

Re: MUR 1555

Dear Mr. Kindrachuk:

This letter is to notify you that on June 13, 1983, the Federal Election Commission received a complaint which alleges that your committee may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1555. 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 your organization 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's 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 completing the enclosed form 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.

83040401531

If you have any questions, please contact Judith Thedford, 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.

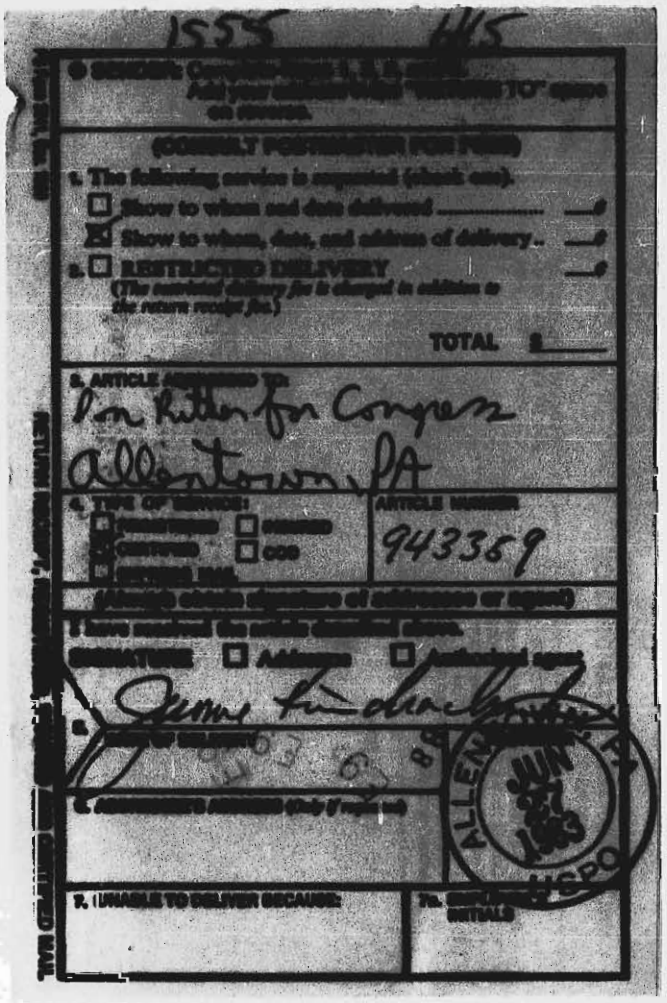
Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

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

cc: Honorable Donald Ritter



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83 JUN 13 P2:18

Richard ORLOSKI for CONGRESS COMMITTEE: 446 Linden Street • Allentown, Pennsylvania 18102
Phone (215) 435-2727

June 6, 1983

83 JUN 13 P2:42

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

Re: Don Ritter For Congress Committee
and the Lehigh Valley Senior
Citizens Advisory Committee

Dear Sir:

In accordance with the Stipulation of May 13, 1983, subsequently approved by the Court on May 26, 1983, kindly consider this a supplemental formal complaint before the FEC.

PROCEDURAL HISTORY

Richard J. Orloski and the Orloski For Congress Committee filed a verified complaint with the FEC charging violation of FECA. Thereafter, complaintants supplemented the original complaint with two verified supplements dated October 1, 1982 and October 6, 1982. On October 22, 1982, J. Jackson Eaton, III, Esquire, counsel for all Respondents, offered an unverified response to complaintants' complaint, without any notice whatsoever to complaintants of his unverified allegations.

On November 10, 1982, the FEC gave notice to the parties that there was no probable cause to believe any violation of 2 U.S.C. Section 433, 434, 441a and 441b. Complaintants timely filed a Complaint pursuant to 2 USC Section 437g(a)(8) against the Commission before the United States District Court for the District of Columbia. Complaintants and the FEC filed cross-motions for summary judgment and briefs in support thereof. After the motions and briefs were filed, but before review by the Court, the parties stipulated on May 13, 1983 that the matter "...should not be reviewed by the court prior to providing the FEC an

Paid for by the Orloski For Congress Committee, Stuart T. Shmookler, Esq., Treasurer

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opportunity to determine if the allegations establish reason to believe a violation of FECA occurred..." This Stipulation was approved by the Court on May 26, 1983. This Supplemental complaint is in response to that Stipulation.

FACTS SURROUNDING INITIAL COMPLAINT

By verified letter dated September 27, 1982, complaintants observed that on Saturday, September 25, 1982--38 days before the general election--Donald Ritter's Lehigh Valley Senior Citizens Advisory Committee held a political rally in support of Congressman Ritter's re-election campaign.

At that time, the only information available to complaintants was that the Lehigh Valley Senior Citizens Advisory Committee had a rally in support of the Congressman's re-election campaign which included FREE transportation to the rally by chartered bus from throughout the district, FREE food and drinks provided by the Committee, and a political talk by the Congressman outlining the reasons senior citizens ought to support his re-election bid.

The initial press releases included statements by Alex Rosza, Jr., the Congressman's campaign manager and an administrative aide, that the busing and food were not paid for by the Congressman, but rather were in-kind contributions by unidentified entities.

The published reports further indicated that 1) the chartered bus service was provided by McCormack Equipment, Inc., Preston Lane, Center Valley, Pennsylvania [(215) 282-4878]; 2) the free food was provided by HGF Management Corp., Hotel Traylor, Allentown, Pennsylvania [(215) 262-5675], and Newhart Foods, Inc., 123 South Third Street, Coplay, Pennsylvania [(215) 262-5675]. The Complaintants, however, were unable to state in the initial complaint if the corporations doated their services directly, or if the corporations were paid by individuals who then made the donations.

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FACTS SURROUNDING FIRST AND SECOND SUPPLEMENTAL COMPLAINTS

On October 1, 1982, complaintants filed the first supplemental complaint indicating that, according to published reports, Donald L. Ritter conceded that the Lehigh Valley Senior citizens Committee accepted three corporate donations from the following entities:

1) McCormack Equipment, Inc. - Bus Service
2) HGF Management Corp. - Hamburgers
3) Newhart Foods, Inc. - Salad

The letter of October 6, 1982 included the press accounts from which this information was distilled. Hence, the complaintants were providing the FEC by the first and second supplemental complaints with documented admissions that Congressman Donald L. Ritter was using corporate contributions to finance the rally 38 days before the election for a rally for senior citizens.

THE RITTER RESPONSE

On October 22, 1982, J. Jackson Eaton, III, Esquire, of Butz, Hudders & Tallman, responded on behalf of Donald L. Ritter and all contributors. No designation of counsel was filed by Mr. Eaton on behalf of the corporate contributors. In the unverified response, it was tacitly conceded that corporate contributions were used to finance the rally EXCEPT for two invoices by Banko Beverages made out to the "Congressman Ritter Committee" for $173.95 for beer and $16.96 for soda. These bills to the "Congressman Ritter Committee" were paid by a personal check of Donald L. Ritter.

Although conceding the fact that corporate contributions were used, Mr. Eaton attempted to characterize this event as a non-political event and recited various factors in support of this conclusion. This letter was never given to complaintants until after the FEC determined that there was no reason to believe any violations of the FECA.

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COMPLAINT BEFORE U.S. DISTRICT COURT

In the Complaint filed at No. 83-0026 before the United States District Court for the District of Columbia, complaintants filed a line by line rebuttal of the unverified allegations of Mr. Eaton as follows:

COMMITTEES REPRESENTATIONS	REBUTTAL
"...no campaign speeches were made..." Page 2 of Defendant's Exhibit 18	Don Ritter gave a political speech at the rally claiming that he was serving the interests of senior citizens.
"...no political literature posted or passed out..." Page 2 of Defendant's Exhibit 18	Each person attending the function was given a name tag which had Don Ritters' name on it, and a leaflet was distributed, which leaflet was determined by the House Franking Commission to be political & ineligible for franking privileges as of the date of its distribution.
"...no campaign staff members were present..." Page 2 of Defendant's Exhibit 18	Alex Rosza, the campaign manager for the Don Ritter For Congress Committee, was present for the entire day, as were campaign aides Jeff Werley and Joe McHugh.
"The Advisory Committee is not now nor ever has been a political campaign committee." Page 2 of Defendant's Exhibit 18	During the campaign, the Don Ritter For Congress Committee spent in excess of $5,000 for political radio ads using a female voice, purportedly representing the Advisory Committee, to recommend to Senior Citizens to vote for Don Ritter because of his record of alleged service to Senior Citizens.
"...met periodically over the last three years..." Page 2 of Defendant's Exhibit 18	The Committee met only three times in three years: June, 1979; January 16, 1980; and June 13, 1981. There were no

	meetings in 1982, and the idea for a Senior Citizens day on September 25, 1982 originated as a part of Don Ritter's election effort.
"...participating in the council does not represent an endorsement of Don Ritter." Page 3 of Defendant's Exhibit 18	The radio ads paid for by the Don Ritter For Congress Committee indicated that the Advisory Committee was recommending Don Ritter's re-election.
"...the Senior Citizens Advisory Council held a meeting in September; but that fact did not change the group." Page 4 of Defendant's Exhibit 18	The September "meeting" was not a meeting of the Advisory Committee. It was a rally ostensibly sponsored by the Committee and did change the group by including over 1,000 people at this September "meeting".
"Earlier this year, the Ethnic Advisory Council sponsored an all day ethnic festival in the City of Bethlehem...The affair was non-political; no political speeches, signs or handouts." Page 4 of Defendant's Exhibit 18	The ethnic day event was also turned into a political event by Don Ritter. The Don Ritter For Congress Committee paid for and distributed Don Ritter For Congress buttons which were worn by persons manning the ethnic day booths. Again, Don Ritter's campaign aides were in charge of this event, specifi- Joe McHugh. Finally, Don Ritter gave a political speech claiming his special service to ethnic causes.
"The participating organization would not have participated in a partisan campaign event." Page 4 of Defendant's Exhibit 18	Members of the organization were wearing the Don Ritter For Congress buttons paid for by the Don Ritter For Congress Committee.
"Mr. Orloski's representatives were present, and were welcome to attend." Page 4 of Defendant's Exhibit 18	Representatives from the Orloski campaign were physically threatened, were specifically told, "This is our function. You are not welcome here.", and were asked to leave by Congressman Ritter's campaign manager.

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"...a senior citizens report which had been distributed to constituents through the Congressman's congressional office in July, 1982 after approval by the Franking Commission." Page 5 of Defendant's Exhibit 18	The Franking Commission explicitly provides that the brochure in question could not be mailed out 60 days before the election under the congressional frank. See, Chapter Three Of Regulations On Use Of Congressional Frank.
"Expenses of such a group are not campaign expense..." Page 5 of Defendant's Exhibit 18	The corporate contributions for the rally came from McCormack Equipment, Inc., HGF Management Corp., and Newhart Foods, Inc., and were, in fact, solicited campaign contributions for the Don Ritter For Congress Committee. Additionally, the corporate officers (Stanley McCormack, Harold Fulmer, and Elvin Newhart) are the same individuals who contributed as individuals to the Don Ritter For Congress Committee EXCEPT this time, they were using corporate funds.
"...this committee, its staff, and function have been kept separate from those functions of the Congressman's office..." Page 6 of Defendant's Exhibit 18	The staffs were exactly the same: Alex Rosza, John Kachmar, Jeff Werley, and Joe McHugh.
"...this Senior Citizens affair was any more political than other meetings over affairs of this or other advisory councils over the last several years." Page 7 of Defendant's Exhibit 18	This was not a meeting of the Advisory Committee. It was a political rally for over 1000 senior citizens who had no connection with the Advisory Committee and who were given free food and drinks to get them to attend with free transportation provided to get them to the rally.

EVIDENCE INDICATING PICNIC WAS POLITICAL

a) Political Environment

In order to understand the nature of the picnic, there must

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be some understanding of the political environment in September of 1982. Pennsylvania's 15th District is a heavily Democratic district (registration: 55% Democratic; 38% Republican; and 7% Independent). Donald L. Ritter is a Republican who must win by capturing Democratic votes. To accomplish this, his campaign targets two groups of voters who traditionally vote Democratic: 1) ethnic voters; and 2) senior citizens.

In August of 1982, my campaign began running newspaper advertisments attacking his senior citizen voting record. Copy of ad is attached hereto as Exhibit A. Much of the campaign centered on his senior citizen voting record. The Macungie picnic was a specific political response to my campaign theme that Donald Ritter was not voting in their interest. The specifics will be demonstrated herein.

b) Summer Ethnic Picnic

In the summer of 1982--after I had won the Democratic nomination--Donald L. Ritter and his campaign aides, particularly Jeff Werley and Joseph McHugh, organized a Lehigh Valley Ethnic Advisory Committee rally. J. Jackson Eaton, Esquire, used this as an example of the "non-political" history of the functions of the advisory committees. In actual fact, the opposite is the case. The summer ethnic picnic was a political event at which organizers and particpants expressly advocated the election of Donald L. Ritter to Congress. This was consistent with his strategy of fragmenting the Democratic vote, and capturing enough of the vote to win elections.

One of the principal participants in the Lehigh Valley Ethnic Advisory Committee is a female, who is known to me to be an elected member of the Republican State Committee. At the picnic, men and women dressed in ethnic garb were wearing Don Ritter For Congress buttons. I personally attended the function, and counted in excess of 20 of the participants-organizers stationed behind the ethnic booths wearing the Don Ritter For Congress buttons. At one point, one of the women wearing the ethnic garb came up to me and apologized for participating in the event and for wearing the Ritter button. She claimed that she was there as part of her group because she liked to demonstrate her ethnic dances, and that the buttons were being handed out by the committee to wear at the event. She then concluded, "Don't worry about me. My husband is a steel worker. We're voting for you."

At the ethnic rally, only one person was the featured speaker: Donald L. Ritter. He then gave a speech telling the group how he has served the interests of ethnic groups, and how his continued tenure as Congressman would be devoted to those same interests.

Because of the manner in which the ethnic rally was orchestrated and prior to the rally itself, the Mayor of the City of Bethlehem publically complained that the rally was being used as a political rally in the re-election efforts of Donald L. Ritter. After personally observing the rally, including observations of the political buttons on the event's organizers and the express advocacy of his election, the complaint by the Mayor proved accurate.

No complaint about this political event was filed with the FEC because my information was that no corporate contributions were used to fund this event. The contention by Donald L. Ritter, however, that corporate funding of the senior citizen picnic was proper because of the prior ethnic day picnic is wholly fallacious. The ethnic picnic was, in fact, political in that its organizers used the event to publicly and directly advocate the re-election of Donald L. Ritter to Congress. That is exactly what transpired at the senior citizens picnic.

c) Corporate Funding For The Picnic

Donald L. Ritter's campaign manager was the late Alex Rosza. In addition to his job as campaign manager, he also served on the Congressman's staff. Prior to the election, Mr. Rosza met an untimely death, and his obituary indicated that he was in the middle of managing the Congressman's re-election effort. After the Congressman successfully won re-election, he publically attributed his success to Mr. Rosza. See, copy of article attached hereto as Exhibit B. It was Alex Rosza, as campaign manager, who was in charge of the senior citizens picnic.

According to our information, the same persons who solicited for the Don Ritter For Congress Committee solicited the corporate contributions for the senior citizens rally. In fact, the solicitors contacted traditional Republican contributors, meaning Harold Fulmer, Stanley McCormack, and Elvin Newhart.

Mr. Harold Fulmer is the owner of McDonald's who has a history of contributing to the Don Ritter For Congress Committee: February 12, 1980-$100.00; April 28, 1980-$400.00; September 24, 1980-$250.00 (Mrs. Harold Fulmer); September 26, 1980-$500.00; September 26, 1980-$250.00 (Mrs. Harold Fulmer); June 10, 1981-$500.00; February 10, 1982-$750.00; May 15, 1982-$500.00. Mr. Stanley McCormack is a prominent Republican who was the Republican nominee for the Pennsylvania Senate from Lehigh County in 1978 Mr. Elvin Newhart had been the immediate past chairman of the Lehigh County Republican Committee. He also contributed regularly to the Don Ritter For Congress Committee: February 8, 1980-$35.00; September 17, 1980-$250.00; January 20, 1982-$150.00.

When McCormack donated the busing--and when Newhart donated the salad--they gave such contributions for the purpose of influencing the election in favor of Donald L. Ritter. It is for this very reason that, when contacted by the press as to whether or not the contributions were corporate, both McCormack and Newhart publically contradicted the Congressman and claimed that they were not corporate contributions. Since these were knowledgeable political people who knew that corporate contributions were illegal, their instinct was to deny that they were corporate contributions. They knew that the contributions were for a political rally solicited by political fundraisers with whom they traditionally dealt, and their response was to deny that the sources were corporate. See, newspaper article attached hereto as Exhibits C and D containing their repeated denials. It was only after J. Jackson Eaton's letter that the contributors became silent, and allowed their "joint" counsel to admit that the gifts came from corporate sources, but justified the gifts as non-political.

d) Lehigh Valley Senior Citizens Committed Organized A Picnic For Over 1,000 Without Ever Meeting

The history of the Lehigh Valley Senior Citizens Committee supports the conclusion that the rally 26 days before the election was political. In the three-year history of the organization before 1982, it met only three times: June, 1979; January 16, 1980; and June 13, 1981. At these three prior meetings, only a handful of persons were present. In 1982, the Committee never met at all, and the organizational work for the Macungie picnic was, in fact, done by campaign aides for the Don Ritter For Congress Committee. Hence, it is undisputed that the Lehigh Valley Senior Citizens Committee never had any gathering prior to the Macungie rally for any more than a handful of its own members. Furthermore, after the 1980 election, it is undisputed that the Committee met only once. The Macungie picnic was the result of the organizational skill and direction of Alex Rosza, the campaign manager for the Don Ritter For Congress Committee. It was his idea. He made the arrangements for obtaining the park. He asked the political committee's fund raisers to obtain the contributions. In other words, the Don Ritter For Congress Committee organized a picnic 38 days before before the general election, in the name of the Lehigh Valley Senior Citizens Committee, and the Lehigh Valley Senior Citizens Committee did not even have one meeting in 1982 to discuss the picnic. It was able to do this because all of the work was done by members of the Don Ritter For Congress Committee.

e) Express Advocacy Of Ritter Re-Election At The Picnic

In addition to the free food and beer at the Macungie picnic, the senior citizens were bombarded with direct and indirect appeals to vote for Don Ritter for Congress in the 1982 general election.

POLITICAL POSTERS: the perimeter of the park was thoroughly encircled with posters urging the re-election of Don Ritter to Congress so that it was impossible for the senior citizens to get into the park without seeing numerous Don Ritter For Congress posters. These posters were paid for by the Don Ritter For Congress Committee. At certain select intersections where the bulk of the senior citizens would have to pass, every corner of the intersection was plastered with a Ritter poster. In fact, after my campaign aides left the park, they attempted to place Orloski For Congress signs in the same vicinity of the Ritter For Congress signs, but were unable to match the Congressman because of the multiplicity of his signs.

POLITICAL BUTTONS: at the picnic, persons who were in charge wore pre-printed labels bearing an inscription saying "Don Ritter - Congress", or "Congress - Don Ritter". Under the pre-printed portion, the particular volunteer's name was written in. These labels were printed in red, white and blue, the same format used in the Ritter political posters and billboards. According to our information, the labels were paid for by the Don Ritter For Congress Committee.

HANDOUTS: at the picnic, every senior citizen was given a copy of a brochure which had previously been mailed out under the franking privilege. The Franking Commission, however, had indicated that this piece of literature could not be mailed out 60 days before the election in that it was presumptively political. Featured on the back page was a photograph of Don Ritter with a representative from the National Alliance Of Senior Citizens who supposedly gave Ritter a 90% voting record for supporting senior citizens. The National Alliance of Senior Citizens was designed to neutralize the rating given by the National Council Of Senior Citizens who gave Don Ritter a 0% rating for his senior citizen voting record. This fact was featured in our ads. This handout was selected in response to our political advertising in an attempt to confuse the senior citizens by initially using an organization with a similar name to that organization featured in our ads. See, Exhibit A.

POLITICAL SPEECH: Don Ritter addressed the group, and

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advised them that they were being served by his tenure in office. According to one published report, Ritter said that, for the long range, we have to see how to keep Social Security healthy and working for the senior citizens, for now and in the future. He further indicated that, as long as he was in Congress, he was committeed to that goal.

When viewed as a whole, the picnic was a forum where the re-election of Donald L. Ritter was expressly advocated by the Lehigh Valley Senior Citizens Committee. There were signs on the routes heading to the park urging his re-election. The organizers were wearing labels paid for by his political committee urging people to return Don Ritter to Congress. A hand-out was given to each person telling them how Donald L. Ritter was serving their interests, and the candidate, himself, gave a similar pitch in his speech to the group. Hence, the manner in which the event was conducted indicates that its intention was to favorably influence the senior citizens to vote for Donald L. Ritter for Congress by expressly advocating his election.

f) Organizers Tacitly Admitted That The Affair Was Political

Three volunteers from the Orloski For Congress Committee attended the picnic: David Gawlick, Rick Cengeri, and Jim Clemmer. When they arrived, Alex Rosza, the campaign manager, immediately approached Gawlick and said that it was a "private affair" and that Orloski representatives were not welcome there. Gawlick responded by noting that statements indicated that the affair was open to the public. See, Defendant's Exhibit 18o, page 2, where the Congressman wrote that "...my office has planned a senior citizen picnic and public forum for 1-5 P.M., September 25 at Macungie Park...There will be plenty of free food, beverages, and entertainment plus the opportunity for us to meet and talk about what's of concern to you." Rosza insisted that "...this isn't right..." and told Gawlick to leave. When Gawlick refused to leave, a man grabbed him by the shirt and said, "This is our affair, not yours." At that point, Rosza interceded, and told the man not to hit him because that's what he wants. Gawlick responded by saying that he did not come there to get hurt.

Another young female grabbed brochures from Rick Cengeri, again saying that this was a private affair, and they were not invited, and they had no business being there. Some of the senior citizens who were given Orloski pamphlets said that they were there to support Ritter and were not interested in Orloski's views.

At the affair, Dave Gawlick saw three men known to him to be Ritter campaign workers: Alex Rosza, the campaign manager; Joe McHugh and Jeff Werley. Prior to the Macungie picnic, Dave Gawlick and I personally observed Joe McHugh hanging up Don Ritter For Congress signs at the intersection of 19th & Tilghman Streets in Allentown. In actual fact, the three were also paid congressional aides who doubled as campaign workers, and were the nucleus of the campaign organization.

Prior to the picnic, I had publically announced to the newspapers that my family and I were going to drop by at this forum. After Dave Gawlick left the park, he attempted to put up signs next to the Ritter signs, but was unable to duplicate the effort of the Ritter campaign organization. He then traveled some 40 minutes to appear in Northampton County to warn me not to go to the event because he thought my appearance might provoke violence. Specifically, he told me that Ritter had the place stacked with his political supporters, and it might not be safe for me to go there. After hearing his reports, I deferred to his advice.

g) The L.V.S.S.C. Endorsed Ritter In Paid Political Ads

Shortly after the senior citizens picnic, the Don Ritter For Congress Committee had paid radio ads using a woman purportedly from the Lehigh Valley Senior Citizens Commission, mentioning it by name and urging senior citizens to vote for Ritter. The radio commercials were timed to run immediately after the picnic to reinforce the belief that senior citizens were being served by Donald L. Ritter. Literally, thousands of dollars were spent on this one radio commercial alone.

CONCLUSION

Under the totality of circumstances, the inescable conclusion is that the corporate contributions were used to influence the 1982 general election. The contributors knew that it was a political rally. That is why Stan McCormack and Elvin Newhart publically contradicted the Congressman and claimed that they were paid for their services:

> "Ritter said this morning that McCormack Equipment Inc. supplied buses for transportation; Harold Fulmer's HGF Management Corp. supplied 1,354 hamburgers and rolls; Banko Beverage supplied beer and soda, and Newhart Foods, Inc. supplied salads. <u>However, both McCormack and Newhart said they were paid for what they provided.</u>"
>
> Bethlehem Globe-Times,
> September 28, 1982

The truth was, however, that they gave corporate political contributions to the Don Ritter For Congress Committee.

The manner in which the picnic was organized and conducted also leads to the inescapable conclusion that the picnic was a political rally. The Lehigh Valley Senior Citizens Advisory Committee never met, even once, in 1982 to discuss, plan, or organize the rally. It did not have to. All of the organizational work was done by Ritter's campaign aides. Campaign Manager, Alex Rosza, was in charge. He arranged through their usual political fundraisers to obtain the contributions from usual Ritter contributors. He arranged for the usage of the park. He set the date, and he caused the affair to be publicized. Once there, senior citizens were urged by posters, buttons, handouts and speeches to send Donald L. Ritter back to Congress. When the opposition team arrvied at the scene, they were ordered to leave. When they refused to leave, they were physically threatened. After the picnic, a purported representative of the Lehigh Valley Senior Citizen Committee endorsed the congressman's re-election on paid radio ads. Hence, the cycle was complete. The contributors gave the corporate contributions to influence the election. The money was spent to influence the elections. The event and subsequent endorsement were intended to influence the election. The picnic and the endorsement expressly advocated the re-election of Donald L. Ritter. Corporate funds were used

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in this effort. Don Ritter For Congress Committee violated 2 U.S.C. Section 433, 434, 441a and 441b. The Lehigh Valley Senior Citizens Committee violated 2 U.S.C. Sections 433, 434, 441a and 441b. McCormack Equipment, Inc., HGF Management Corp., and Newhart Foods, Inc. violated 2 U.S.C. Section 441b. Hence, the matter ought to proceed in accordance with the Federal Election Campaign Act.

Very truly yours,

Richard J. Orloski

RJO:ldj

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LEHIGH)

Richard J. Orloski, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Complaint are true to the best of his knowledge, information and belief.

Richard J. Orloski

SWORN TO and Subscribed before me this 7th day of June, 1983.

Loretta Johnson
Notary Public

LORETTA JOHNSON, NOTARY PUBLIC
ALLENTOWN, LEHIGH COUNTY
MY COMMISSION EXPIRES MAR. 11, 1985
Member, Pennsylvania Association of Notaries

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*National Council of Senior Citizens gives your present Congressman a

ZERO RATING

for his 1981 Voting Record

RICK ORLOSKI would have scored 100%

* National Council of Senior Citizens, Inc.
925 15th St., N.W.
Washington, DC 20005

The National Council monitors Congress to rate effectiveness of individual members on issues of special concern to older workers, retirees. On 10 "key votes" Don Ritter was rated WRONG on 9 and missed one vote entirely . . . a ZERO RATING for the year!

If RICK ORLOSKI, the Democratic Candidate, had been able to vote on the same issues, he would have scored 100% . . . a PERFECT RECORD!

ORLOSKI for CONGRESS

Paid for by Orloski for Congress Committee - Stuart Shmookler, Esq., Treasurer

EXHIBIT A

Thornburgh ekes out win

Inside
ELECTION 1982

NATIONAL RACES

▶Lautenberg beating Fenwick A4
▶Wallace leading in Alabama A6
▶Voting heavy on nuclear freeze A6
▶Cuomo ahead in New York polls A6

STATE RACES

▶Zappala leads Schaeffer for judge A4
▶Mayor Green not seeking 2nd term A4

LOCAL RACES

▶Reibman revels in easy win B1
▶Kratzer upset winner over Ritter B1

COUNTY WRAPUP

Bethlehem Twp. voters approve 2-mill tax hike

By KATHERINE MAURER
Of The Morning Call

By 317 votes, Bethlehem Township voters agreed to hike taxes to no more than 2 mills to raise about $70,000 to provide residents with access to Bethlehem Public Library.

But in Freemansburg and Hellertown, voters apparently didn't feel the need to hike taxes to provide the service. By two votes, the referendum was defeated in Hellertown. In Freemansburg, it was struck down by a 179-vote margin.

In one of the biggest upsets in the State House races, Democrat Robert Freeman defeated incumbent Edmund Sieminski by 2,140 votes. Sieminski, who was seeking his third term, faced Freeman two years ago.

But upsets of incumbents were far from the norm in races across The Morning Call circulation area.

In the 15th Congressional District race, incumbent Republican Don Ritter easily defeated Democrat Richard Orloski by 21,487 votes in his bid for a third term in office.

In the 10th Congressional District race, Republican Joseph McDade, seeking his 10th term, was leading Democrat Robert J. Rafalko, a philosophy professor, by 3,491 votes in Monroe County.

But in the 11th Congressional District race, incumbent Republican Jim Nelligan lost his bid for a second term to Democrat Frank Harrison, a Wilkes-Barre attorney.

In the 8th Congressional District, Democrat Peter Kostmayer defeated incumbent Republican James Coyne. Coyne defeated Kostmayer in 1980.

State Senate races saw incumbent Jeanette Reibman win her fifth term in the 16th district by defeating Republican [illegible] Gleber by 6,[illegible] votes.

By MARCIA COYLE
Call Harrisburg Bureau

Gov. Thornburgh, a staunch supporter of Reaganomics in a state with skyrocketing unemployment won re-election last night by defeating U.S. Rep. Allen Ertel, the challenger who sought to blame Thornburgh for the state's economic woes.

With 8,191 of 9,535 precincts counted, Thornburgh, seeking his second four-year term, led with 1,579,768 votes, or 51 percent, to 1,453,936 votes or 49 percent for Ertel.

Although Thornburgh took an early lead shortly after the polls closed yesterday, Ertel, dubbed "Ertel the Turtle," steadily narrowed the governor's margin throughout the night. After about 11 p.m., the governor again began to draw ahead.

The victory margin was less than the margin of victory in Thornburgh's 1978 election and had to be a surprise for the incumbent governor who had amassed a warchest that was three times the size of Ertel's campaign warchest and who had launched a media advertising blitz in the campaign's closing weeks.

However, Ertel and his campaign advisers predicted a close race on the basis of late polls which showed him closing a huge recognition gap that had stalked him up until about three weeks ago.

During the past three weeks, Thornburgh appeared more vulnerable because of several campaign incidents that attracted bad publicity. The Republican governor walked out of the state convention of the NAACP when the group would not change the ground

Please See GOVERNOR Page A2 ▶

Don Ritter dedicates victory to his late aide, Alex Rozas.

Voters send Ritter back to Congress

By DAVID DAWSON
Of The Morning Call

U.S. Rep. Don Ritter yesterday weathered the effects of an aggressive campaign by Democratic challenger Richard Orloski and easily retained his seat in Congress for a third term.

With all 284 precincts in the 15th Congressional District reporting, Ritter had 79,700 votes to Orloski's 58,287.

The decisive victory puts to rest the notion that voters in the district might blame the recession and unemployment on the Republican incumbent, and vote accordingly.

Ritter took the lead early in both Lehigh and Northampton counties, as well as in the six townships of Monroe County that are becoming part of the district. In Lehigh County, where Orloski ran the strongest in the primary, he was defeated 44,507 to 29,012 in the final, unofficial count. Ritter also won handily in Northampton and Monroe counties, once again successfully backing voter registration that heavily favors the Democrats.

After the results were in Ritter said he was confident he would win, but was surprised at the 21,600 plus margin.

"We must be doing something right," he said. He said the victory was particularly meaningful in light of the fact Republican [illegible] are [illegible] the country app[illegible] to be taking [illegible] beating as the early returns were reported. Since World War II, the party in the White House has always lost congressional seats in the mid-term election.

"It reflects the fact we had a positive campaign, and ran on the record," Ritter said. "I think some of the other Republicans said, 'Whoops, let's backtrack,'" Ritter said, when it appeared the Democrats would do well this year. "I went flat out with what I had been saying, what the Lehigh Valley had been telling me they wanted."

Ritter said his committee also spent a lot less money this time than it did two years ago, when Democrat State

Please See RITTER Page A2▶

Persistent Freeman upsets Sieminski

By TOM MOYLAN
Of The Morning Call

Over the past two years, Robert Freeman of Easton has spent a good amount of his time, as he puts it, "shaking babies and kissing hands."

Last night, his persistence paid off: The 28-year-old Democrat upset incumbent Republican Edmund J. Sieminski of Easton for the 138th Legislative District seat.

Unofficial returns showed Freeman winning over Sieminski by 8,676-6,736. Freeman took about 56 percent of the vote in a medium to heavy voter turnout in the newly reapportioned 138th.

The jubilant Freeman, speaking from his victory celebration at the Hotel Easton, said his committee expected a win, but by only 200-300 votes.

He said he was "pleased" with the spread, which his tabulations put at 1,700-1,800.

Freeman attributed the upset to the fact that this was a "Democratic year.

"The people have repudiated Reaganomics on the state and local levels," Freeman said.

He said that, during the campaign, he and Sieminski addressed the issues and it "didn't become a personality contest."

Freeman, who is finishing work on a master's degree, said he will quit his job as a retail clerk and become a "full-time legislator."

Sieminski called Freeman shortly after 10 p.m. to congratulate him. "I expected it to be close," he said from

Please See FREEMAN Page A2▶

EXHIBIT B

3 NOV

Orloski raps seniors' role for Ritter

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Sept. 28, 1982

Says he'll complain to election commission

By DAVID DAWSON
Of The Morning Call

Congressional hopeful Richard Orloski is taking his complaint about Don Ritter's Forum and Senior Citizens Day to the Federal Election Commission (FEC). Orloski charges that the Saturday affair was political, and that Ritter's Senior Citizen's Advisory Committee has become an arm of his re-election committee.

About 1,300 elderly people gathered in Macungie Memorial Park to hear boombas music and enjoy free food and drink. Ritter, 15th District representative, some of his staffers and a representative of the Social Security Administration were present to answer questions.

Ritter said yesterday, "It's just a ridiculous charge. It has nothing to do with the FEC. It's a political maneuver. Mr. Distortion is at it again." The Republican incumbent said the complaint is more a press release than a real complaint to the FEC, noting that it contains several paragraphs of complaint about his voting record.

"Peter Kostmayer did this before. We didn't invent this forum. Coyne has done it a couple of times since," Ritter said. He said he held the picnic "to tell them what services are available. That's very much part of my job."

But Orloski, a Democrat, argues that the contributions made to the event — free transportation and food — must be considered as contributions to Ritter's re-election campaign. He claims further that the Senior Citizens Advisory Committee should be registered with the FEC as a political committee. He also raises questions about how the contributions were actually made.

If the FEC were to determine they are contributions to the campaign, they would be illegal if from a corporation. If they came from individuals, then they would have to be reported to the FEC by Ritter as campaign contributions. The FEC's policy is to refuse to comment on any investigation until it is complete.

Ritter said the transportation and food was donated outright. He said he purchased the drink — kegs of beer and birch beer — out of his pocket because it is illegal to donate beer.

Ritter went on to claim that the FEC complaint is an attempt by Orloski to cover up an FEC probe into two $10,000 loans Orloski received before the primary. The loans were illegal, but have been repaid. "I think he's trying to cover up and make it tit-for-tat. I think he's got a real problem with the federal election law," Ritter said.

EXHIBIT C

The Globe-Times

Allentown / Lehigh County

Section B

TUESDAY, SEPTEMBER 28, 1982

Orloski Charges Ritter Picnic Was Political Event

By DAVID SKIDMORE
Globe-Times Staff Writer

Richard J. Orloski, Democratic candidate for the 15th congressional district, Monday formally complained to the Federal Election Commission about incumbent Republican Donald L. Ritter's senior citizen's picnic held in Macungie Saturday.

But Ritter today called the complaint a "publicity stunt." No tax dollars were spent on the event, which attracted more than 1,300, he said. The advisory committee received contributions from area businesses for transportation and food. Ritter said he spent $200 from his own pocket for beverages.

In a notarized letter to the chairman of the election commission, Orloski said the picnic, sponsored by Ritter's Lehigh Valley Senior Citizen's Advisory Committee, was a political event which included free transportation and free food and drink.

He said the senior citizen's committee should be registered as a political committee which would allow it to receive contributions and in - kind donations.

Further, Orloski wrote, if the donations were made directly from corporations, federal election law was violated. If the donations were made by individuals, they must be combined with other contributions accepted by the main committee and subjected to the federal limit of $1,000 per contributor, per candidate, per election, he wrote.

Ritter said this morning that McCormack Equipment Inc. supplied buses for transportation; Harold Fulmer's HGF Management Corp supplied 1,354 hamburgers and rolls, Banko Beverage supplied beer and soda, and Newhart Foods Inc. supplied salads. However, both McCormack and Newhart said they were paid for what they provided.

"If Don Ritter wants to run a rally paid for by the Don Ritter for Congress Committee, he has a perfect right and there is absolutely no problem," Orloski said Monday. "But he wasn't content with that. He devised this system through the senior citizen's advi

Continued on Page B-2, Col. 1

Ritter's Picnic Was Political, Orloski Complains to the FEC

Sept. 28, 1982

Continued From Page B-1

sory committee. He did it to create an aura of non - partisan support."

In the letter, Orloski said Ritter is trying to camouflage a poor voting record on senior citizen's issues by establishing the advisory committee and holding the picnic.

In response, Ritter said, "If Orloski really had the senior citizen's interests at heart, he wouldn't attack something designed to serve them. My staff recorded about 150 inquiries. He's saying because people had a good time there was something wrong. What he is saying is it's wrong for a congressman to create a public event that has private sector involvement."

Ritter said the picnic was modelled after events held by Peter Kostmayer, former Bucks County congressman, and James Coyne, current congressman in Bucks County.

According to Federal Election Commission spokesman Sharon Snyder, the commission under federal law must notify Ritter of Orloski's complaint in five days. Ritter then has 15 days to reply. The commission must then vote on whether or not to order an investigation.

If the investigation proves a violation, the commission can order remedial action and levy up to a $5,000 fine for an accidental violation and up to a $10,000 fine for a knowing violation.

EXHIBIT D

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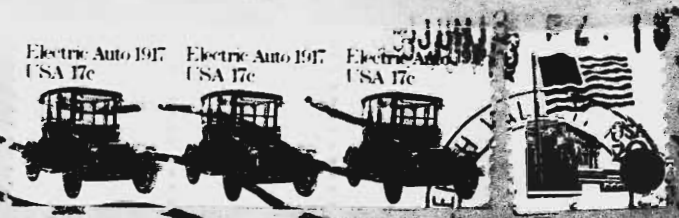
LAW OFFICES
CALNAN & ORLOSKI
A PROFESSIONAL CORPORATION
446 LINDEN STREET
ALLENTOWN, PENNSYLVANIA 18102



LEHIGH VALLEY, PA 180
JUN 8 PM
1983

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

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1555

Date Filmed 11/17/83 Camera No. --- 3

Cameraman JRL

FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1555

Date Filmed 12/2/83 Camera No. --- 3

Cameraman JRL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1983

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

MUR 1555

Dear Mr. Orloski:

On October 14, 1983, you were notified that the Commission had determined that there was no reason to believe that a violation of any statute within its jurisdiction had been committed by the respondents in MUR 1555. The file was closed at that time and will become a part of the public record within thirty days of closing.

Enclosed for your information is a copy of the General Counsel's Report upon which the Commission made its determination.

As you will note, the October 14 report omitted a recommendation concerning the Lehigh Valley Senior Citizens Advisory Committee. The omission was inadvertent and the Commission on November 7, 1983, found no reason to believe with regard to the Lehigh Valley Senior Citizens Advisory Committee. A copy of the November report is also enclosed for your review.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
October Report
November Report

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1983

J. Jackson Eaton III
Butz, Hudders & Tallman
740 Hamilton Mall
Allentown, Pennsylvania 18101

MUR 1555

Dear Mr. Eaton:

On October 14, 1983, you were notified that the Commission had determined that there was no reason to believe that a violation of any statute within its jurisdiction had been committed by your clients in MUR 1555. The file was closed at that time and will become a part of the public record within thirty days of closing.

Enclosed for your information is a copy of the General Counsel's Report upon which the Commission made its determination.

As you will note, the October 14 report omitted a recommendation concerning the Lehigh Valley Senior Citizens Advisory Committee. The omission was inadvertent and the Commission on November 7, 1983, found no reason to believe with regard to the Lehigh Valley Senior Citizens Advisory Committee. A copy of the November report is also enclosed for your review.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
October Report
November Report

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C 20463

November 14, 1983

Stanley McCormack
McCormack Equipment, Inc.
Preston Lane
Center Valley, Pennsylvania 18105

MUR 1555

Dear Mr. McCormack:

On October 14, 1983, you were notified that the Commission had determined that there was no reason to believe that a violation of any statute within its jurisdiction had been committed by you in MUR 1555. The file was closed at that time and will become a part of the public record within thirty days of closing.

Enclosed for your information is a copy of the General Counsel's Report upon which the Commission made its determination.

As you will note, the October 14 report omitted a recommendation concerning the Lehigh Valley Senior Citizens Advisory Committee. The omission was inadvertent and the Commission on November 7, 1983, found no reason to believe with regard to the Lehigh Valley Senior Citizens Advisory Committee. A copy of the November report is also enclosed for your review.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth a. Gross
Associate General Counsel

Enclosures
October Report
November Report

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1983

Harold Fulmer
HGF Management Corp.
Hotel Traylor
Allentown, Pennsylvania 18105

MUR 1555

Dear Mr. Fulmer:

On October 14, 1983, you were notified that the Commission had determined that there was no reason to believe that a violation of any statute within its jurisdiction had been committed by you in MUR 1555. The file was closed at that time and will become a part of the public record within thirty days of closing.

Enclosed for your information is a copy of the General Counsel's Report upon which the Commission made its determination.

As you will note, the October 14 report omitted a recommendation concerning the Lehigh Valley Senior Citizens Advisory Committee. The omission was inadvertent and the Commission on November 7, 1983, found no reason to believe with regard to the Lehigh Valley Senior Citizens Advisory Committee. A copy of the November report is also enclosed for your review.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
October Report
November Report

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

83 OCT 6 P2:37

In the Matter of	)	
	)	
Don Ritter for Congress	)	
HFG Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

GENERAL COUNSEL'S REPORT

I. **BACKGROUND:**

A. Allegations:

The complaint, filed by Richard Orloski, contains the same allegations as alleged in his previously filed complaint numbered MUR 1476. This complaint, however, rebuts the response of the Don Ritter for Congress Committee ("Ritter Committee") to the allegations in MUR 1476 and submits additional information concerning the violation.

The allegations center around a picnic held by the Lehigh Valley Senior Citizens Advisory Committee ("SCAC") 38 days before the general election. Orloski alleges that the event is political in nature and advocated the re-election of Ritter; thereby making the donations of food and transporation, illegal corporate contributions.

To support his allegation that the picnic was a political event, Orloski states that campaign workers were at the picnic, the park was ringed with posters urging the re-election of Ritter, political literature was distributed, labels were worn by workers which were paid for by the Ritter Committee, after the picnic the Lehigh Valley Senior Citizens Advisory Committee did

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radio ads for the Ritter Campaign, and lastly, the Lehigh Valley Senior Citizens Advisory Committee did not meet in 1982 making the planning of the event virtually impossible.

Letters were sent to the respondents on June 15, 1983, notifying them of the filing of the complaint. J. Jackson Eaton as counsel for the Don Ritter for Congress Committee submitted a response on August 12, 1983.

B. Ritter Committee Response

The response submitted by the Ritter Committee denies the charges by the complainant that the Lehigh Valley Senior Citizens Advisory Committee's picnic was a political rally in support of Congressman Ritter's re-election. The Ritter Committee denies that the picnic expressly advocates the election of Congressman Ritter or the defeat of Orloski or that contributions were solicited or accepted.

The response repeats the background presented by the Ritter Committee in MUR 1476. Specifically, that the Lehigh Valley Senior Citizens Advisory Committee was one of several issue oriented, non-political, non-partisan advisory groups established by the Congressman several years ago. The groups are composed of concerned community leaders who met with the Congressman periodically to discuss and exchange views on various issues. The Ritter Committee contends that on September 25, 1982, the SCAC held a gathering at which no speeches were made, no campaign literature was passed out, no campaign staff members were presented, and no posters or other campaign material was available.

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A list of the members who comprise the SCAC was submitted. The Ritter Committee states that the list shows the individual members together with positions they hold in other Senior Citizens' organizations and institutions. The Ritter Committee claims that the material available at the picnic consisted of social security handbooks, medicare handbooks, retirement literature and consumer brochures. A Senior Citizens report bearing Ritter's name was available, it had previously been distributed to constituents through the Congressman's Congressional office via franked mail. A copy of the senior citizens report was submitted with the response. Notice of the event was also included in a mailing approved by the Franking Commission.

The Ritter Committee responded separately to each allegation.

Free Food: There is no denial that free food and transportation were provided by McCormack Equipment, Inc., Newhart Foods, Inc., and HCF Management Corporation.

Campaign staff members: The Ritter Committee acknowledges that Alex Rosza, Jeff Werley, and Joe McHugh were at the picnic. However, the Committee denies that Rosza was the campaign manager or a campaign staff member. The Committee points out that Rosza

was a member of the Congressman's Legislative Staff and Lehigh Valley Administrator for Ritter. Mr. Ritter's Campaign Manager was John Kachmar. Werley and McHugh were congressional staff members who attended the event. After the picnic, McHugh became assistant campaign manager at which time he took a leave of absence from the congressional office. Copies of payroll authorizations showing terminations of Kachmar and McHugh from the congressional payroll were submitted by the Committee.

Political literature - The Ritter Committee submitted a copy of the name tag worn by each person attending the function. The Ritter Committee points out that the tags do not have the Congressman's name printed on them as alleged by Orloski. The response indicates that Congressional staff members may have used tags identifying them as part of Congressman Ritter's staff, however, no election tags were used.

The Ritter Committee also addressed the issue of a mailer previously approved by the Franking Commission and mailed to constituents. It responded that the Franking Committee does not approve the mailing of political mailing at any time and does not approve the use of Franking privilege 60 days prior to an election regardless of the nature of literature. Therefore, the Ritter Committee argues that the complainant's allegation that the Franking Commission determined the mailer to be political is untrue.

As to the posters, the Ritter Committee contends that there were posters in the vicinity of the park as well as throughout the district. However, no political posters, literature, or buttons were in the park except those handed out by the Orloski staff for a period of time.

Radio ads: The Ritter Committee submitted a copy of the only radio ad which makes mention of SCAC. It contends that the ad only mentions that SCAC had been formed by the Congressman and does not suggest an endorsement.

Senior Citizens Committee Meetings: The Ritter Committee states that SCAC met three times in 1982. The congressional form letters which were sent to SCAC members were submitted by the Committee.

Threats: The Ritter Committee denies that any physical threats were made by the congressional staff to the Orloski representatives.

Ethnic Day: The Ritter Committee notes that Orloski did not make any specific allegations concerning the Ethnic Day picnic. However, it denies that it was turned into a political event by the Congressman, that campaign aids were in charge, and that the Congressman made a political speech.

On September 2, 1983, the Ritter Committee submitted 22 photographs of the Senior Citizens Day picnic. The Committee states the pictures show that no campaign posters were at the event and no campaign buttons were used.

II. LEGAL ANALYSIS

(a) The law applicable

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [federal election]." 2 U.S.C. § 441b(b)(2).

(b) Application of the law to the facts

The issue to be considered in this matter is whether the SCAC picnic was a political event. If the event is considered political, the donations of free food and transporation provided by HFG Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. would constitute corporate contributions in connection with Congressman Ritter's re-election in violation of 2 U.S.C. § 441b(a).

The Commission in Advisory Opinions 1980-89, 1980-22, and 1980-16 addressed instances in which Congressmen, who are candidates for re-election, may participate in activities which are not for the major purpose of influencing or in connection with the Congressmen's re-election. In these AO's, the Commission decided that under certain circumstances the cost of

activities involving the appearances of candidates for Federal office would not constitute a "contribution" or "expenditure". The opinions were conditioned on: 1) the absence of any communication expressly advocating the nomination or election of the person appearing or the defeat of any other candidate; and 2) the avoidance of any solicitation, making or acceptance of campaign contribution for the candidate in connection with the activity.

The first question to be addressed is whether there were any communications at the picnic which expressly advocated the election of Congressman Ritter or the defeat of Orloski. Orloski alleges that literature, buttons, posters and a speech expressly advocated Ritter's re-election.

The Ritter Committee submitted copies of literature available at the picnic which contained Ritter's name and a copy of the buttons worn by people attending the picnic. The literature and button appear to be void of any communication expressly advocating the Congressman's re-election or Orloski's defeat. A copy of the button worn by the individuals in charge of the picnic was not submitted by Ritter's Committee. In its response, the Ritter Committee states that some staff members of Congressman Ritter's staff may have had tags identifying them as such, but no election tags were used.

As to posters Orloski alleges that the perimeter of the park was surrounded and certain intersections plastered with political posters. Ritter's Committee acknowledges that political posters were in the vicinity of the park as well as throughout the

district; but contends that none were in the park. As there is no allegation or evidence that the posters were in the area of the park where the picnic was held, it appears that the posters would not constitute a communication at the event.

Orloski alleges that Ritter made a political speech at the picnic, the Ritter Committee denies the allegation. However, from Orloski's representation of the alleged speech, the Congressman would not have expressly advocated his re-election. The speech, as summarized by Orloski in his complaint, appears to be that of an officeholder addressing his constituents on a particular subject.

Orloski made additional allegations questioning who organized the picnic, alleging that campaign aides were in attendance at the picnic, and that SCAC endorsed Ritter in a radio ad after the picnic. The respondent has answered these allegations in detail. Specifically, SCAC met three times in 1982 at which time the plans for the picnic were discussed, no campaign aides were present at the picnic, and the only radio ad mentioning the Senior Citizens Advisory Committee states that the Congressman organized the committee, no endorsement was made by SCAC.

The second question which needs addressing is whether there was any solicitation or acceptance of contributions at the picnic. Orloski does not make any allegations on this subject and the Ritter Committee denies the solicitation or acceptance of

any contribution at the picnic.

Therefore, in accordance with the guidelines set forth in the advisory opinions previously cited, the picnic sponsored by the Lehigh Valley Senior Citizens Advisory Committee appears to have been held for the purpose of carrying out Congressman Ritter's duties as an officeholder and donations of food and transportation would not be considered "contributions".

The Office of General Counsel recommends finding no reason to believe the Don Ritter for Congress Committee violated the Act and no reason to believe HCF Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. violated the Act.

III. RECOMMENDATION

1. Find no reason to believe the Don Ritter for Congress Committee violated the Act.

2. Find no reason to believe HGF Management Corporation, Newhart Foods, Inc. and McCormack Equipment, Inc. violated the Act.

3. Send the attached letters.

Charles N. Steele
General Counsel

October 6, 1983
Date

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

Attachments:
Ritter Response (8/11/83) pgs. 1-32
Ritter Response (9/2/82) pgs 33-41
Proposed Letters pgs. 42-46

BEFORE THE FEDERAL ELECTION COMMISSION

83 NOV 3 AM: 04

In the Matter of	)	
	)	
Don Ritter for Congress Committee	)	
HGF Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On October 12, 1983, the Commission voted upon recommendations contained in the General Counsel's Report dated October 6, 1983, for MUR 1555 to find no reason to believe and close the file. However, after reviewing the Commission's certification, the Office of General Counsel discovered that the report inadvertently omitted a specific recommendation to find no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated the Act.1/ The Office of General Counsel, therefore, recommends that the Commission find no reason to believe as to the Lehigh Valley Senior Citizens Advisory Committee. The General Counsel's Report dated October 6, 1983, which contains an analysis of this matter is attached for the Commission's review.2/

1/ The Commission, however, approved a letter attached to the report notifying Lehigh Valley Senior Citizens Advisory Committee that no reason to believe had been found.

2/ A recommendation to close the file was contained in the October 18, 1983 General Counsel's Report and voted upon at that time.

II. RECOMMENDATION

1. Find no reason to believe the Lehigh Valley Senior Citizens Advisory Committee violated the Act; and

2. Approve the sending of the attached letter to Lehigh Valley Senior Citizens Advisory Committee

Charles N. Steele
General Counsel

October 1983
Date

By: Kenneth A. Gross
Associate General Counsel

Attachment:
General Counsel's Report dated October 6, 1983
Letter

FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 1555

Date Filmed 12/2/83 Camera No. --- 3

Cameraman JRL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE PUBLIC FILE OF CLOSED MUR 1555

34044307 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 27, 1984

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

Re: MUR 1555

Dear Mr. Orloski:

It has recently come to our attention that you stated you did not receive copies of the final General Counsel's Report in MUR 1555. A review of our records indicate that the General Counsel's Reports were sent to you by letter on November 14, 1983.

For your information, we are enclosing a copy of the November 14, 1983 letter and copies of the General Counsel's reports.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
Letter & Reports

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 14, 1983

Richard J. Orloski, Esquire
Orloski for Congress Committee
446 Linden Street
Allentown, Pennsylvania 18102

MUR 1555

Dear Mr. Orloski:

On October 14, 1983, you were notified that the Commission had determined that there was no reason to believe that a violation of any statute within its jurisdiction had been committed by the respondents in MUR 1555. The file was closed at that time and will become a part of the public record within thirty days of closing.

Enclosed for your information is a copy of the General Counsel's Report upon which the Commission made its determination.

As you will note, the October 14 report omitted a recommendation concerning the Lehigh Valley Senior Citizens Advisory Committee. The omission was inadvertent and the Commission on November 7, 1983, found no reason to believe with regard to the Lehigh Valley Senior Citizens Advisory Committee. A copy of the November report is also enclosed for your review.

If you have any questions, please contact Judy Thedford at (202) 523-4529.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

Enclosures
October Report
November Report

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SENSITIVE.

RECEIVED
SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

83 OCT 6 P2: 37

In the Matter of	)	
	)	
Don Ritter for Congress	)	
HFG Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

A. Allegations:

The complaint, filed by Richard Orloski, contains the same allegations as alleged in his previously filed complaint numbered MUR 1476. This complaint, however, rebuts the response of the Don Ritter for Congress Committee ("Ritter Committee") to the allegations in MUR 1476 and submits additional information concerning the violation.

The allegations center around a picnic held by the Lehigh Valley Senior Citizens Advisory Committee ("SCAC") 38 days before the general election. Orloski alleges that the event is political in nature and advocated the re-election of Ritter; thereby making the donations of food and transporation, illegal corporate contributions.

To support his allegation that the picnic was a political event, Orloski states that campaign workers were at the picnic, the park was ringed with posters urging the re-election of Ritter, political literature was distributed, labels were worn by workers which were paid for by the Ritter Committee, after the picnic the Lehigh Valley Senior Citizens Advisory Committee did

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radio ads for the Ritter Campaign, and lastly, the Lehigh Valley Senior Citizens Advisory Committee did not meet in 1982 making the planning of the event virtually impossible.

Letters were sent to the respondents on June 15, 1983, notifying them of the filing of the complaint. J. Jackson Eaton as counsel for the Don Ritter for Congress Committee submitted a response on August 12, 1983.

B. Ritter Committee Response

The response submitted by the Ritter Committee denies the charges by the complainant that the Lehigh Valley Senior Citizens Advisory Committee's picnic was a political rally in support of Congressman Ritter's re-election. The Ritter Committee denies that the picnic expressly advocates the election of Congressman Ritter or the defeat of Orloski or that contributions were solicited or accepted.

The response repeats the background presented by the Ritter Committee in MUR 1476. Specifically, that the Lehigh Valley Senior Citizens Advisory Committee was one of several issue oriented, non-political, non-partisan advisory groups established by the Congressman several years ago. The groups are composed of concerned community leaders who met with the Congressman periodically to discuss and exchange views on various issues. The Ritter Committee contends that on September 25, 1982, the SCAC held a gathering at which no speeches were made, no campaign literature was passed out, no campaign staff members were presented, and no posters or other campaign material was available.

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A list of the members who comprise the SCAC was submitted. The Ritter Committee states that the list shows the individual members together with positions they hold in other Senior Citizens' organizations and institutions. The Ritter Committee claims that the material available at the picnic consisted of social security handbooks, medicare handbooks, retirement literature and consumer brochures. A Senior Citizens report bearing Ritter's name was available, it had previously been distributed to constituents through the Congressman's Congressional office via franked mail. A copy of the senior citizens report was submitted with the response. Notice of the event was also included in a mailing approved by the Franking Commission.

The Ritter Committee responded separately to each allegation.

Free Food: There is no denial that free food and transportation were provided by McCormack Equipment, Inc., Newhart Foods, Inc., and HCF Management Corporation.

Campaign staff members: The Ritter Committee acknowledges that Alex Rosza, Jeff Werley, and Joe McHugh were at the picnic. However, the Committee denies that Rosza was the campaign manager or a campaign staff member. The Committee points out that Rosza

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was a member of the Congressman's Legislative Staff and Lehigh Valley Administrator for Ritter. Mr. Ritter's Campaign Manager was John Kachmar. Werley and McHugh were congressional staff members who attended the event. After the picnic, McHugh became assistant campaign manager at which time he took a leave of absence from the congressional office. Copies of payroll authorizations showing terminations of Kachmar and McHugh from the congressional payroll were submitted by the Committee.

Political literature - The Ritter Committee submitted a copy of the name tag worn by each person attending the function. The Ritter Committee points out that the tags do not have the Congressman's name printed on them as alleged by Orloski. The response indicates that Congressional staff members may have used tags identifying them as part of Congressman Ritter's staff, however, no election tags were used.

The Ritter Committee also addressed the issue of a mailer previously approved by the Franking Commission and mailed to constituents. It responded that the Franking Committee does not approve the mailing of political mailing at any time and does not approve the use of Franking privilege 60 days prior to an election regardless of the nature of literature. Therefore, the Ritter Committee argues that the complainant's allegation that the Franking Commission determined the mailer to be political is untrue.

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As to the posters, the Ritter Committee contends that there were posters in the vicinity of the park as well as throughout the district. However, no political posters, literature, or buttons were in the park except those handed out by the Orloski staff for a period of time.

Radio ads: The Ritter Committee submitted a copy of the only radio ad which makes mention of SCAC. It contends that the ad only mentions that SCAC had been formed by the Congressman and does not suggest an endorsement.

Senior Citizens Committee Meetings: The Ritter Committee states that SCAC met three times in 1982. The congressional form letters which were sent to SCAC members were submitted by the Committee.

Threats: The Ritter Committee denies that any physical threats were made by the congressional staff to the Orloski representatives.

Ethnic Day: The Ritter Committee notes that Orloski did not make any specific allegations concerning the Ethnic Day picnic. However, it denies that it was turned into a political event by the Congressman, that campaign aids were in charge, and that the Congressman made a political speech.

On September 2, 1983, the Ritter Committee submitted 22 photographs of the Senior Citizens Day picnic. The Committee states the pictures show that no campaign posters were at the event and no campaign buttons were used.

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II. LEGAL ANALYSIS

(a) The law applicable

Section 441b(a) of Title 2, United States Code, prohibits any corporation from making a contribution or expenditure in connection with any election for federal office, and prohibits any officer or director of the corporation from consenting to any contribution or expenditure by the corporation in connection with any federal election. The term "contribution or expenditure" is defined to include "any direct or indirect payment ... or gift of money, or any services, or anything of value ... to any candidate ... in connection with any [federal election]." 2 U.S.C. § 441b(b)(2).

(b) Application of the law to the facts

The issue to be considered in this matter is whether the SCAC picnic was a political event. If the event is considered political, the donations of free food and transporation provided by HFG Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. would constitute corporate contributions in connection with Congressman Ritter's re-election in violation of 2 U.S.C. § 441b(a).

The Commission in Advisory Opinions 1980-89, 1980-22, and 1980-16 addressed instances in which Congressmen, who are candidates for re-election, may participate in activities which are not for the major purpose of influencing or in connection with the Congressmen's re-election. In these AO's, the Commission decided that under certain circumstances the cost of

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activities involving the appearances of candidates for Federal office would not constitute a "contribution" or "expenditure". The opinions were conditioned on: 1) the absence of any communication expressly advocating the nomination or election of the person appearing or the defeat of any other candidate; and 2) the avoidance of any solicitation, making or acceptance of campaign contribution for the candidate in connection with the activity.

The first question to be addressed is whether there were any communications at the picnic which expressly advocated the election of Congressman Ritter or the defeat of Orloski. Orloski alleges that literature, buttons, posters and a speech expressly advocated Ritter's re-election.

The Ritter Committee submitted copies of literature available at the picnic which contained Ritter's name and a copy of the buttons worn by people attending the picnic. The literature and button appear to be void of any communication expressly advocating the Congressman's re-election or Orloski's defeat. A copy of the button worn by the individuals in charge of the picnic was not submitted by Ritter's Committee. In its response, the Ritter Committee states that some staff members of Congressman Ritter's staff may have had tags identifying them as such, but no election tags were used.

As to posters Orloski alleges that the perimeter of the park was surrounded and certain intersections plastered with political posters. Ritter's Committee acknowledges that political posters were in the vicinity of the park as well as throughout the

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district; but contends that none were in the park. As there is no allegation or evidence that the posters were in the area of the park where the picnic was held, it appears that the posters would not constitute a communication at the event.

Orloski alleges that Ritter made a political speech at the picnic, the Ritter Committee denies the allegation. However, from Orloski's representation of the alleged speech, the Congressman would not have expressly advocated his re-election. The speech, as summarized by Orloski in his complaint, appears to be that of an officeholder addressing his constituents on a particular subject.

Orloski made additional allegations questioning who organized the picnic, alleging that campaign aides were in attendance at the picnic, and that SCAC endorsed Ritter in a radio ad after the picnic. The respondent has answered these allegations in detail. Specifically, SCAC met three times in 1982 at which time the plans for the picnic were discussed, no campaign aides were present at the picnic, and the only radio ad mentioning the Senior Citizens Advisory Committee states that the Congressman organized the committee, no endorsement was made by SCAC.

The second question which needs addressing is whether there was any solicitation or acceptance of contributions at the picnic. Orloski does not make any allegations on this subject and the Ritter Committee denies the solicitation or acceptance of

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any contribution at the picnic.

Therefore, in accordance with the guidelines set forth in the advisory opinions previously cited, the picnic sponsored by the Lehigh Valley Senior Citizens Advisory Committee appears to have been held for the purpose of carrying out Congressman Ritter's duties as an officeholder and donations of food and transportation would not be considered "contributions".

The Office of General Counsel recommends finding no reason to believe the Don Ritter for Congress Committee violated the Act and no reason to believe HCF Management Corporation, Newhart Foods, Inc., and McCormack Equipment, Inc. violated the Act.

III. RECOMMENDATION

1. Find no reason to believe the Don Ritter for Congress Committee violated the Act.

2. Find no reason to believe HGF Management Corporation, Newhart Foods, Inc. and McCormack Equipment, Inc. violated the Act.

3. Send the attached letters.

Charles N. Steele
General Counsel

October 6, 1983
Date

By: Kenneth A. Gross
Associate General Counsel

Attachments:
Ritter Response (8/11/83) pgs. 1-32
Ritter Response (9/2/82) pgs 33-41
Proposed Letters pgs. 42-46

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BEFORE THE FEDERAL ELECTION COMMISSION

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In the Matter of	)	
	)	
Don Ritter for Congress Committee	)	
HGF Management Corporation	)	MUR 1555
Newhart Foods, Inc.	)	
McCormack Equipment Inc.	)	
Lehigh Valley Senior Citizens Advisory Committee	)	

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND:

On October 12, 1983, the Commission voted upon recommendations contained in the General Counsel's Report dated October 6, 1983, for MUR 1555 to find no reason to believe and close the file. However, after reviewing the Commission's certification, the Office of General Counsel discovered that the report inadvertently omitted a specific recommendation to find no reason to believe that the Lehigh Valley Senior Citizens Advisory Committee violated the Act.1/ The Office of General Counsel, therefore, recommends that the Commission find no reason to believe as to the Lehigh Valley Senior Citizens Advisory Committee. The General Counsel's Report dated October 6, 1983, which contains an analysis of this matter is attached for the Commission's review.2/

1/ The Commission, however, approved a letter attached to the report notifying Lehigh Valley Senior Citizens Advisory Committee that no reason to believe had been found.

2/ A recommendation to close the file was contained in the October 18, 1983 General Counsel's Report and voted upon at that time.

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II. RECOMMENDATION

1. Find no reason to believe the Lehigh Valley Senior Citizens Advisory Committee violated the Act; and

2. Approve the sending of the attached letter to Lehigh Valley Senior Citizens Advisory Committee

Charles N. Steele
General Counsel

October 1983
Date

By: [signature]
Kenneth A. Gross
Associate General Counsel

Attachment:
General Counsel's Report dated October 6, 1983
Letter

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FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # Additional 1555

Date Filmed 2/10/84 Camera No. --- 4

Cameraman JRL