



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2847

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RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

89 APR 14 AM 9:03

Mar 2847

LAW OFFICES OF  
**FREEDMAN, BOYD & DANIELS**  
 A PROFESSIONAL ASSOCIATION  
 20 FIRST PLAZA, SUITE 212  
 ALBUQUERQUE, NEW MEXICO 87102  
 TELEPHONE (505) 842-9960  
 FACSIMILE (505) 842-0761

April 10, 1989

Larry Noble, Esq.  
 General Counsel  
 Federal Election Commission  
 999 E Street, N.W.  
 Washington, DC 20463

Dear Mr. Noble:

The purpose of this letter is to report what may be a violation of applicable federal election law. In my mail of April 6, 1989, I received a document captioned "Official Business." It was entitled, on the cover, "1989 Presidential First Term Agenda Survey." At the upper right-hand corner of the cover, it indicated that the U.S. postage was paid by the National Republican Congressional Committee. Inside was a solicitation for funds, together with a garden-variety questionnaire entitled "Agenda Survey." At the end of the principal document, following the solicitation for funds and the survey, appeared a standard form which requested my occupation, the name of my employer, and my office and home telephone numbers. Up to this point, there was nothing whatsoever unusual about the solicitation. What was unusual about the solicitation is that the form I referred to above included a signature line for me which was preceded by the following text:

This check is a personal contribution even though it  
 may appear to be drawn on a business, partnership or other  
 type of account.

---

 Signature

It seems to me that this is an invitation to the recipient to violate the laws regarding personal versus corporate versus partnership, etc. campaign contributions. In effect, it invites the reader to and make a contribution on his "business" or "other type of account" and to escape the election laws by indicating that the contribution is nevertheless "personal."

Mr. Larry Noble

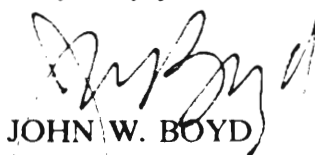
April 10, 1989

Page 2

Not only does it invite the recipient to commit fraud if the recipient understands the relevant election laws, it invites recipients who may be, for example, shareholders in a closely held corporation, to believe that it is perfectly appropriate to make illegal contribution through the mechanism of simply signing a statement to the effect that the contributions are personal. There is nothing in the form which indicates to the reader that certain types of contributions may be illegal.

My name is John W. Boyd. My address and telephone number appear at the top of this letter. The entity which may have violated federal election law is the National Republican Congressional Committee, Washington, D.C. 20097-0131, d/b/a "GOP Victory Fund."

Very truly yours,

  
JOHN W. BOYD


JWB:nbm

STATE OF NEW MEXICO     )  
  ) ss.  
COUNTY OF BERNALILLO    )

JOHN W. BOYD, being duly sworn upon his oath states:

1. I am the author of the statements contained in this letter.
2. The factual statements made in the letter are true and correct.
3. The expressions of opinion appearing in the letter are expressions of my

belief.

  
JOHN W. BOYD

FREEDMAN, BOYD & DANIELS  
A PROFESSIONAL ASSOCIATION

Mr. Larry Noble  
April 10, 1989  
Page 3

SUBSCRIBED and SWORN TO before me this 11th day of April, 1989.

Nancy B. Mason  
Notary Public

My commission expires:

August 6, 1989

3 2 7 4 0 7 5 2 1 0 7



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

April 21, 1989

Jack McDonald, Treasurer  
National Republican Congressional  
Committee  
320 First Street, SE  
Washington, DC 20003

RE: MUR 2847  
National Republican  
Congressional Committee  
and Jack McDonald, as  
treasurer

Dear Mr. McDonald:

The Federal Election Commission received a complaint which alleges that the National Republican Congressional Committee and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2847. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the National Republican Congressional Committee in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

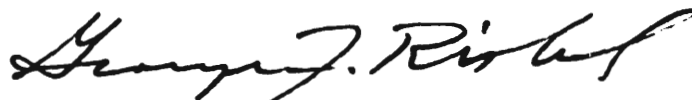
This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing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

2 2 0 4 0 7 5 2 1 0 8

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

Sincerely,

Lawrence M. Noble  
General Counsel



By: George F. Rishel  
Acting Associate General  
Counsel

Enclosures

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

33740752109



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 21, 1989

Mr. John W. Boyd  
Freedman, Boyd & Daniels  
20 First Plaza  
Suite 212  
Albuquerque, NM 87102

RE: MUR 2847

Dear Mr. Boyd:

This letter acknowledges receipt on April 14, 1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the National Republican Congressional Committee and Jack McDonald, as treasurer. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2847. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble  
General Counsel

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

Enclosure  
Procedures

9 3 7 4 0 7 5 2 1 1 0

06C 2697

WILEY, REIN & FIELDING

1776 K STREET, N. W.  
WASHINGTON, D. C. 20006  
(202) 429-7000

JAN W. BARAN  
(202) 429-7330

May 9, 1989

TELECOPIER  
(202) 429-7049  
TELEX 248349 WYRN UR

Lawrence M. Noble, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Attn: Frania Monarski

Re: MUR 2847  
National Republican Congressional  
Committee, and Jack McDonald, as  
treasurer

COMM - 9 MAY 1989

Dear Mr. Noble:

This Response is submitted on behalf of the National Republican Congressional Committee ("NRCC"), and Jack McDonald, as treasurer ("Respondents"), in reply to a complaint filed by John W. Boyd, and designated Matter Under Review ("MUR") 2847. For the reason set forth herein, the Federal Election Commission ("FEC" or "Commission") should find no reason to believe that Respondents violated any provisions of the Federal Election Campaign Act of 1971, as amended ("the Act").

I. The Complaint

The Complaint in this matter alleges that the "1989 Presidential First Term Agenda Survey" (a sample of which is attached hereto) paid for by the NRCC contains "an invitation to the recipient to violate the laws regarding personal

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Lawrence M. Noble, Esq.  
May 9, 1989  
Page 2

versus corporate . . . campaign contributions" because it requests the contributor to verify that a personal contribution is being made.

This complaint is indistinguishable in all material respects from MUR 2722 also filed against the Respondents. Both complaints focus on the same language contained in the NRCC's response device. It reads, "[t]his check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account." The Commission has considered and dismissed the Complaint in MUR 2722 finding that there was no reason to believe that a violation has occurred.

## II. Discussion

The Act requires any committee receiving a contribution to secure the identification of each person or political committee which makes a contribution. 2 U.S.C. § 434(b)(3). The identification of individual contributors shall include the individual's name, mailing address, occupation, the name of his or her employer, if any, and the date of receipt and amount of any such contribution. 11 C.F.R. § 104.8. In order to demonstrate that best efforts were made by the treasurer to secure the identification information, such information must be requested with each solicitation.

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May 9, 1989  
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Additionally, the request must also inform the contributor that the reporting of the requested identification information is required by law. Id. §§ 104.3(a)(4)(i) and 104.7. The response device at issue here is in complete compliance with these requirements.

Furthermore, the response device does not constitute a solicitation of corporate contributions, nor does it invite a partnership to make contributions over the legal limit as suggested by complainant. What it does do, however, is provide the contributor with the ability to sign a written statement pursuant to the Regulations explaining why the contribution is legal. See id. § 103.3(b)(1). The Regulations provide that contributions which present genuine questions as to whether they were made by corporations, labor organizations, foreign nationals, or Federal contractors may be either deposited or returned to the contributor. If the contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. The treasurer shall make at least one written or oral request for evidence of the identity of the contribution. Such evidence includes, but is not limited to, a written statement from the contributor explaining why the contribution is legal. Id.

Lawrence M. Noble, Esq.  
May 9, 1989  
Page 4

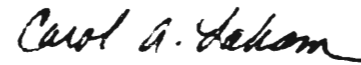
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The language in question in the response device that "[t]his check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account" provides the contributor with the opportunity in advance to sign a written statement as to the legality of the contribution and is, therefore, in complete compliance with the Regulations. Furthermore, as in MUR 2722 there is no allegation that the survey was directed specifically to any corporation or that Respondents accepted any prohibited contributions as a result of this solicitation.

Accordingly, the Commission should find no reason to believe that the National Republican Congressional Committee and Jack McDonald, as Treasurer violated the Act.

Sincerely,

  
Jan W. Baran

  
Carol A. Laham

Counsel to the National  
Republican Congressional  
Committee and Jack  
McDonald, as Treasurer

Enclosures  
cc: Jack McDonald

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2847

NAME OF COUNSEL: Jan W. Baran

ADDRESS: National Republican Cong. Committee  
320 First Street, S.E.  
Washington, D.C. 20003

TELEPHONE: (202) 479-7025

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.

May 8, 1989  
Date

Jack McDonald  
Signature

RESPONDENT'S NAME: Jack McDonald

ADDRESS: Natl. Republican Cong. Committee  
320 First Street, S.E.  
Washington, D.C. 20003

HOME PHONE: \_\_\_\_\_

BUSINESS PHONE: 479-7000

33040752115

CHECK #

DATE

9 1 1 7 5 2 6 4 6 8

AMOUNT \$

GOP VICTORY FUND  
National Republican  
Congressional Committee  
Washington, DC 20082

Detach Along Dotted Line

# 1989 PRESIDENTIAL FIRST TERM AGENDA SURVEY

## GOP VICTORY FUND

National Republican Congressional Committee

For the exclusive use of:

MS THERESA A OUELLETTE  
43 JUNE ST  
SANFORD, MAINE 04073

DO NOT WRITE IN THIS SPACE  
FOR OFFICE USE ONLY

Form:

Registered Survey #: ME00685503

Congressional District: 01

Authorization No:

D94EBZ

URGENT DEADLINE DATE:

MAY 8, 1989

- ☐ In your report to President Bush please let him know that I appreciate being included in the Agenda Survey.

Also, please let President Bush know that I want to do everything I can to insure that the liberal Democrats in Congress do not succeed in overturning his mandate and that is why I am sending a special Sponsorship contribution in the amount indicated below:

☐ \$15☐ \$20☐ \$25☐ \$50☐ \$100☐ \$250☐ \$500☐ \$

Other

Signature

Please make your check payable to:  
1989 GOP VICTORY FUND.

### Limited Edition Presidential Inaugural Memento for:

MS THERESA A OUELLETTE

AS A TOKEN OF THE PRESIDENT'S APPRECIATION FOR YOUR SUPPORT THE REPUBLICAN MEMBERS OF CONGRESS HAVE AUTHORIZED A LIMITED EDITION PRESIDENTIAL INAUGURAL MEMENTO FOR EACH SPONSOR

### AGENDA SURVEY

This Survey is the property of the National Republican Congressional Committee—1989 GOP VICTORY FUND and is for the exclusive use of the above named individual. The results of this Survey will be tallied by Congressional District and released to the President, Congress and the National News Media. Your name and survey ballot will be kept in the strictest of confidence and will only be released to the President and top Administration officials.

#### SECTION I. TAXES, SPENDING AND VITAL DOMESTIC ISSUES

- In the past when the Democrats have raised your taxes they never used the increase to reduce the federal deficit. Do you think there is any reason to believe that they would use a tax increase now to reduce the deficit they created?  
☐ YES ☐ NO ☐ UNDECIDED
- Instead of a major tax increase, President Bush advocates a "flexible spending freeze" to reduce the federal deficit. Do you agree with him?  
☐ YES ☐ NO ☐ UNDECIDED
- Do you agree with former President Reagan that lower taxes is the driving force behind the unprecedented economic prosperity we have enjoyed throughout much of the last six years?  
☐ YES ☐ NO ☐ UNDECIDED
- Would a dramatic increase in your Federal Income Taxes force you to cancel a major purchase such as a car, home or family vacation or make other important changes in your life?  
☐ YES ☐ NO ☐ UNDECIDED

Survey Continued on Back

5. Do you agree that an Amendment to the Constitution mandating a balanced budget is the only way we will ever stop the deficit spending by the Democrats in Congress?

☐ YES ☐ NO ☐ UNDECIDED

6. Many Democrats feel that even though Dukakis lost he had the right idea when he opposed important military programs such as the MX Missile, Midgetman Mobile Missile, Strategic Defense Initiative and many other programs? Do you agree that we should reduce the deficit by making drastic cuts in our nation's defense?

☐ YES ☐ NO ☐ UNDECIDED

7. Many Democrats feel that federal spending is about as low as it should ever go. In your opinion do you feel there is more waste that should be cut in the federal budget?

☐ YES ☐ NO ☐ UNDECIDED

8. President Bush campaigned on a tough anti-crime platform. Do you support his effort to appoint Federal judges who will take convicted felons off the street as a means of reducing crime?

☐ YES ☐ NO ☐ UNDECIDED

## SECTION II. FOREIGN POLICY AND THE DEFENSE OF AMERICA

1. The Soviet economy is stagnating from bureaucratic controls, centralized management and spending up to 18% of its GNP on their massive arms buildup. Do you think America has an obligation to bail out the Soviet economy through loans guaranteed by U.S. taxpayers?

☐ YES ☐ NO ☐ UNDECIDED

2. Throughout the Reagan Years not one inch of soil fell under Soviet domination. Do you feel the Reagan, and now Bush, policy of Peace through Strength is the reason for this remarkable record?

☐ YES ☐ NO ☐ UNDECIDED

3. Do you feel it is a moral responsibility of the President to work toward the deployment of a system such as SDI which will defend us from nuclear attack?

☐ YES ☐ NO ☐ UNDECIDED

4. Many Democratic leaders believe that Mikhail Gorbachev's reforms indicate that the Soviet Union no longer represents a serious threat to the West. Do you agree?

☐ YES ☐ NO ☐ UNDECIDED

The Federal Election Commission requires that we report the following

Occupation \_\_\_\_\_

Name of Employer \_\_\_\_\_

☐ Please check if self-employed

Telephone Number (Office) \_\_\_\_\_

(Home) \_\_\_\_\_

This check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account

Signature \_\_\_\_\_



# 1989 PRESIDENTIAL FIRST TERM AGENDA SURVEY

National Republican Congressional Committee

1989 GOP VICTORY FUND

President George Bush  
Ronald Wilson Reagan  
Guy Vander Jagt, MI  
Chairman

DEAR MR. GUELLETTE

Who do you think should run the nation over the next four years: GEORGE BUSH OR JIM WRIGHT AND THE LIBERALS IN CONGRESS?

This is the essential question gripping our nation's capital right now as the Democrats in Congress claim they—not George Bush—won a mandate in 1988.

As a result, on behalf of President George Bush, I have been authorized by the Republican Members of the United States Congress to prepare and send to you the enclosed emergency survey.

I urge you to complete and return to me your answers to this official Republican PRESIDENTIAL FIRST TERM AGENDA SURVEY right away.

Your PRESIDENTIAL SURVEY answers will help put to rest once-and-for-all the liberal Democrats' claim that President Bush did not win a mandate last year.

This Survey not only covers the critical economic, defense and foreign policy issues facing America but it gives you an opportunity to make one specific recommendation or comment to our new President.

YOU HAVE BEEN ESPECIALLY SELECTED TO REPRESENT YOUR NEIGHBORS IN THE 1ST CONGRESSIONAL DISTRICT OF MAINE IN THE MOST IMPORTANT SURVEY EVER TAKEN FOR A PRESIDENT. PLEASE DO NOT PUT IT ASIDE FOR EVEN ONE DAY.

I'm sure you've heard the liberal House Speaker and others claim that "it was the Democrats who control the Congress—not George Bush—who won a mandate in the 1988 election."

Some of the more arrogant Democrats even believe they won a mandate to raise your taxes.

The liberal Democrats' strategy is to seize control of the legislative process early in his term so they can reduce the President's role to one of only attempting to veto the worst liberal big spending bills.

They believe that if they can win these first legislative fights, they can label George Bush a "weak" President. If we lose these first critical legislative battles it could cripple George Bush's Presidency for the next four years.

If they succeed it also will clear the way for the liberals to undo all that President Reagan accomplished over the past eight years.

ONLY YOU CAN STOP THIS DANGEROUS LIBERAL PLAN OF ATTACK TO DERAIL AND UNDERMINE GEORGE BUSH AT THIS IMPORTANT POINT IN HIS PRESIDENCY.

WITH YOUR SURVEY ANSWERS YOU WILL BE GIVING THE PRESIDENT AND HIS SUPPORTERS JUST THE TYPE OF LIVE AMMUNITION WE NEED TO STOP THIS DEMOCRAT ATTACK.

If you fail to voice clearly your support for President Bush on the major issues facing America, the Democrats will point to your silence as an indication that they, not President Bush, have a mandate to run the country.

Among all of these issues it is most important that you voice your opinion on your taxes! That's why I want to urge you to pay special attention to Question 1 on the SURVEY.

If you answer YES you will be telling President Bush that, in fact, you do support a Democrat sponsored across the board tax increase.

If you answer NO you will be casting an important vote of "NO CONFIDENCE IN THE DEMOCRATS IN CONGRESS." Here's the question:

1. In the past when Democrats have increased your taxes they have never used the increase to reduce the federal deficit. Do you think there is any reason to believe the liberal Democrats would use a tax increase now to reduce the deficit?

☐ Yes

☐ No

☐ Undecided

George Bush pledged not to raise your taxes because he knows that tax increases have never been used to reduce past deficits.

Washington, D.C. 20082

## **NRCC MEMBERS 101st CONGRESS**

Sonny Callahan, AL  
Don Young, AK  
J. P. Hammerschmidt, AR  
Jim Kolbe, AZ  
Bill Thomas, CA  
David Dreier, CA  
Dan Schaefer, CO  
John G. Rowland, CT  
Michael Bilirakis, FL  
Newt Gingrich, GA  
Pat Saiki, HI  
Larry Craig, ID  
Harris Fawell, IL  
Jack Hiler, IN  
Jim Lightfoot, IA  
Pat Roberts, KS  
Larry Hopkins, KY  
Bob Livingston, LA  
Olympia Snowe, ME  
Connie Morella, MD  
Silvio Conte, MA  
Guy Vander Jagt, MI  
Vin Weber, MN  
Larkin Smith, MS  
Jack Buechner, MO  
Ron Marlenee, MT  
Virginia Smith, NE  
Barbara Vucanovich, NV  
Robert C. Smith, NH  
Matt Rinaldo, NJ  
Joe Skeen, NM  
David O'B. Martin, NY  
Howard Coble, NC  
Mike Oxley, OH  
Jim Inhofe, OK  
Denny Smith, OR  
Larry Coughlin, PA  
Claudine Schneider, RI  
Floyd Spence, SC  
Don Sundquist, TN  
Jack Fields, TX  
Jim Hansen, UT  
Peter Smith, VT  
Frank Wolf, VA  
Sid Morrison, WA  
Jim Sensenbrenner, WI  
Dick Cheney, WY

Along with the Republican members of Congress he believes we have deficits today because there is too much wasteful spending. Unfortunately, the liberal Democrats who control Congress disagree and they intend to do everything in their considerable power to force you to pay higher taxes next year to keep all their big spending programs in place.

If you're like me you're probably asking yourself why, after all we did to elect a new President who clearly ran on a "NO TAX" pledge, is it necessary to complete this SURVEY and fight the battle against taxes all over again?

There is only one answer: the liberal Democrats dramatically outnumber us in Congress.

Why did these high tax/big spending liberals win even in districts which George Bush carried by a large margin? Liberal Democrats continue winning in conservative Republican districts because they have the power of incumbency! 98% of all the Democrats who put their name on the ballot automatically won re-election.

There are two reasons these liberal incumbents are so tough to beat 1) they get more of your tax dollars and PAC money to spend on their reelection and 2) they convince the voters into thinking they're no different than the Republicans by "talking conservative" even though they "vote liberal."

At taxpayers' expense they get a massive multi-million dollar personal congressional staff to make them look good. And you, as a taxpayer, also pick up the bill for the millions of pieces of free franked mail they regularly send out advertising how "great" they are.

But as powerful as their money advantage is, the Democrats would have a tough time winning if the voters knew the real story of their liberal votes in Congress.

That's why we urgently need you to return your survey and send the most generous contribution you can to the 1989 GOP VICTORY FUND today.

In the last election I was shocked by the number of Democratic Congressmen who, during the campaign, claimed to be President Reagan's friend and supporter, yet in truth, had bitterly opposed almost every one of his programs.

The new Democrat strategy is to hide your liberal record, run like a Republican and then stick it to the taxpayers when you get back to Washington.

— THERE IS ONLY ONE WAY TO PERMANENTLY BREAK THE INCUMBENT DEMOCRATS' STRANGLEHOLD ON CONGRESS. I URGE YOU IN THE STRONGEST TERMS POSSIBLE TO BECOME A SPONSOR OF OUR PARTY'S 1989 GOP VICTORY FUND BY ENCLOSING A SPECIAL CONTRIBUTION WHEN YOU RETURN YOUR SURVEY ANSWERS.

Along with your survey your contribution will be a key to stopping the current Democrat drive to raise your taxes and undermine the Bush Presidency.

With your immediate contribution the GOP VICTORY FUND will launch an aggressive effort to expose to the voters back home every time a liberal Congressman tries to block or derail one of President Bush's programs. What's more, your contribution is the only way we can permanently break the back of the Democrat drive to take control of the nation away from President Bush.

YOUR SPONSORSHIP CONTRIBUTION OF \$15, \$20, \$25 OR EVEN \$50 OR MORE WILL DECIDE WHETHER WE CAN GIVE OUR CANDIDATES THE CASH AND TECHNICAL SUPPORT THEY NEED TO COMBAT THE TREMENDOUS "TAXPAYER PAID FOR" ADVANTAGE OF THE DEMOCRATS.

Your contribution is urgently needed for three critical reasons:

- |   |      |             |
|---|------|-------------|
| 1) conduct in-depth opposition research to help expose the Democrats' liberal votes against President Bush's programs and leadership;                                   | COST | \$863,000   |
| 2) run television commercials, and radio spot campaigns to expose the liberals;   | COST | \$1,554,000 |
| 3) distribute PRESIDENTIAL FIRST TERM AGENDA SURVEYS in every congressional district coast to coast to build massive demonstration of popular support for Bush mandate. | COST | \$1,267,000 |

Just these three cornerstones of our Party's election campaign will cost well over \$3,684,000 and to make matters worse, these vital programs can't wait.

The Democrat incumbents are already "muscling" the Political Action Committees and the Big Labor Unions for their maximum contribution. If we are to launch our campaign we must raise no less than \$3,684,000 right away.

Ronald Reagan and George Bush have proven beyond a doubt that Republicans can win in virtually every area of the country. But until we break the back of the Democrat incumbency advantage we will have to fight, hope and pray they don't raise your taxes or tear apart other programs vital to George Bush's agenda.

IT IS YOUR DECISION WHO WILL LEAD THIS NATION. WILL IT BE GEORGE BUSH OR JIM WRIGHT AND THE LIBERAL DEMOCRATS? I'm afraid to think what will happen without your personal support. Please let me hear from you today.

Sincerely,

*Guy Vander Jagt*  
Congressman Guy Vander Jagt  
Chairman, 1989 GOP VICTORY FUND

GVJ/jmg

P.S. The Democrats are trying to overturn the mandate of George Bush's election. To stop them, I urge you to send your survey answers showing your support for George Bush and the most generous contribution you can to the 1989 VICTORY FUND today.



# DEMOCRATS REVEAL THEIR STRATEGY AGAINST PRESIDENT BUSH!

USA  
TODAY

## Dole says Dems' gains spell 'trouble'

By Richard Wolf

Democrats clipped George Bush's constricts Tuesday, keeping a firm grip on Congress and foretelling a short honeymoon.

Added political scientist Thomas Mann: "George P. begins his presidency in what some might think is a precarious position in

## What's next for Bush

John Hughes

Like most new presidents before him, George Bush is discovering that winning the White House is not the end of a campaign, but just the beginning.

Next Mr. Bush must campaign for the support of Congress, a complicated mix of egos and letdowns and personalities.

Bush may have won the presidency, but his niche in history has just begun.

The New York Times

## Challenges for Bush: An Uncertain Agenda And a Wary Congress

APPLES Jr.

George Bush moves into the Oval Office next January, a far more difficult political situation than his predecessor, President Reagan, faced after his inauguration eight

years ago. Reagan in 1981, Mr. Bush will have to contend with a Democratic Party on Capitol Hill. Mr. Bush will have to contend with a Republican-controlled Senate in with him, and a House of Representatives that has suffered heavy losses, reassembled in a new year.

Mr. Bush saw his party lose ground in the House of Representatives.

Mr. Bush's government already faces a difficult struggle. Mr. Bush's government already faces a difficult struggle. Mr. Bush's government already faces a difficult struggle.

The New York Times

## Democrats' Knives Are Out for Bush

By Norman J. Ornstein

The honeymoon is over. George Bush may have won the greatest prize in American politics, but the glow won't last much beyond today.

With Mr. Bush in the Oval Office, the policy-making process—the sausage factory of politics—will be especially messy, unpalatable and noisy.

Mr. Bush will pay a price for his campaign in the 101st Congress.

Mr. Bush will need all the help he can get—and the majority Democrats will give him.

USA  
TODAY

## Reaches out to Congress

By Jean Becker

With a strong Democratic Congress, a showdown is almost certain: "They won't respect him," said political analyst Mark ...

USA  
TODAY

## Bush must pursue a realistic agenda

The election may be over, but the work is just beginning. George Bush. For Congress. For the rest of us. Our ...

The Washington Post

## A Mandate To Share Power

Geyelin

When presidential candidates make promises in a campaign and then win big, they have a mandate, right? Only sometimes—when the promise is plain and the evidence of public consensus is inescapable.

And yet, here we go again, rumormongering around the election returns in search of a mandate for George Bush.

Here's a loud, clear call for ...

... it's gibberish unless the tried and true believers want to continue ... in the grab bag of Reagan ...

... Democrats say the President's mandate because the ... an overwhelming ...

# DEMOCRATS REVEAL THEIR STRATEGY AGAINST PRESIDENT BUSH!

USA  
TODAY

## Dole says Dems' gains spell 'trouble'

By Richard Wolf

Democrats clipped George Bush's con tails Tuesday, keeping a firm grip on Congress and foreshadowing a short honeymoon.

Added political scientist Thomas Mann: "George P. begins his presidency in what some might think is a precarious position in

## What's next for Bush

John Hughes

Like most new presidents before him, George Bush is discovering that winning the White House is not the end of a campaign, but just the beginning. Next Mr. Bush must campaign for the support of Congress, a complicated mix of egos and letdowns and personalities. Bush may have won the presidency, but his niche in history has just begun.

The New York Times

## Challenges for Bush: An Uncertain Agenda And a Wary Congress

R. APPLE Jr.

George Bush moves into the Oval Office next January, a far more difficult political situation than his predecessor, President Reagan, faced after his inauguration eight

years ago. In 1981, Mr. Bush will have to contend with a Democratic Party on Capitol Hill. Mr. Bush will have a Republican-controlled Senate in with him, and having suffered heavy losses, reassembled in a year Mr. Bush saw his party lose ground in the House of Representatives.

Mr. Bush's first struggle, who will control the Senate as President Bush.

USA  
TODAY

## Bush must pursue a realistic agenda

The election may be over, but the work is just beginning. George Bush. For Congress. And for the rest of us. Our agenda.

The Washington Post

## A Mandate To Share Power

Geyelin

When presidential candidates make promises in a campaign and then win big, they have a mandate. Only sometimes—when the promise is plain and the evidence of public consensus is inescapable. And yet, here we go again, rumormongering around the election returns in search of a mandate for George Bush. Here's a loud, clear call for a mandate.

It's gibberish unless the tried and true believers want to continue to grab the grab bag of Reagan.

Democrats say the President has a mandate because the Democrats have an overwhelmingly

USA  
TODAY

## Reaches out to Congress

By Joan Becker

With a strong Democratic Congress, a showdown is almost certain. "They won't respect him," said political analyst Merle Black of the University of North Carolina.

The New York Times

## Democrats' Knives Are Out for Bush

By Norman J. Ornstein

The honeymoon is over. George Bush may have won the greatest prize in American politics, but the glow won't last much beyond today. With Mr. Bush in the Oval Office, the policy-making process—the sausage factory of politics—will be especially messy, unpalatable and noisy next year. Bush will pay a price for his campaign in the 101st Congress.

Mr. Bush will need all the help he can get—and the majority Democrats will give him none.

In this sorry condition, the only thing Democrats will have in common is hostility toward Bush and the Republicans.

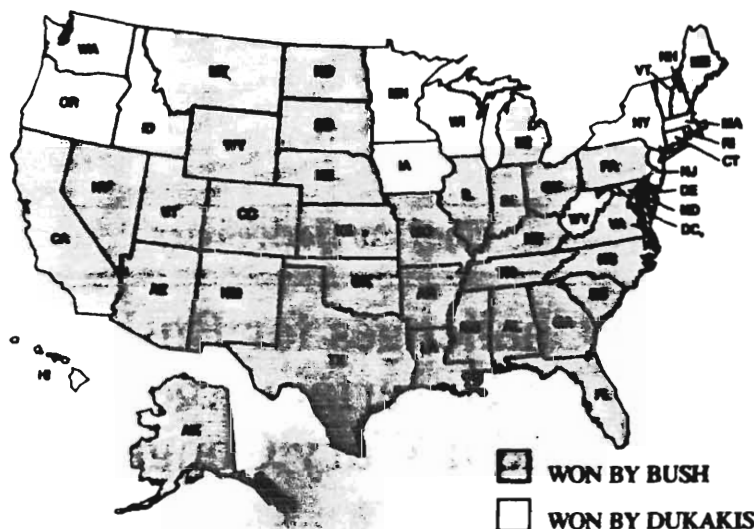
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—George Bush

**Realizing how much is at stake, we must summon again those deep reserves of will and stamina that won for us our first victories. This will require a supreme effort. That is why I am counting so on you to support the GOP Victory Fund today.**

***Ronald Reagan***

**Highlighted below are the states the  
GOP VICTORY FUND helped George Bush win.**



**YOUR CONTRIBUTIONS TODAY  
WILL HELP US NOW GIVE PRESIDENT BUSH  
THE SUPPORT HE DESPERATELY NEEDS IN CONGRESS!**

## WHAT YOU HAVE AT STAKE IF THE DEMOCRATS SUCCEED IN THEIR PLAN TO CRIPPLE THE BUSH PRESIDENCY

## YOU CAN EXPECT THE FOLLOWING:

1. **DEMOCRATS DRAMATICALLY INCREASE TAXES**  
Immediate increase in your taxes (50% increase in taxes would be necessary to eliminate deficit).
2. **LIBERALS IGNORE DEFICIT AND INCREASE SPENDING**  
Massive new federal spending programs aimed at rewarding special interests which supported Dukakis and Democrats in 1988.
3. **AMERICA'S DEFENSES SLASHED BY DEMOCRATS**  
Drastic cuts in America's ability to defend itself—every major defense program including the Stealth bomber, SDI, and MX missile would be in serious jeopardy.
4. **AT INVITATION OF DEMOCRATS UNITED NATIONS DIRECTS AMERICAN FOREIGN POLICY**  
Heavy reliance on the United Nation's to determine U.S. foreign policy—as Dukakis urged during his campaign, many Democrats would like to see the UN take an important role in setting our policies and deciding our role in world events.

PLEASE  
PLACE  
STAMP  
HERE

## CONGRESSIONAL REFERENCE SHEET

KEEP THIS SHEET FOR FUTURE USE.

Voting District: 01

Your U.S. Congressman:  
JOSEPH BRENNAN

Address: U.S. House of Representatives  
Washington, D.C. 20515

REP. JOSEPH BRENNAN  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515

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SOMERSET, NE 68173



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**GOP VICTORY FUND**

National Republican Congressional Committee  
Washington, D.C. 20097-0131



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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO:

LAWRENCE M. NOBLE  
GENERAL COUNSEL

FROM:

MARJORIE W. EMMONS/JOSHUA MCFADDEN

DATE:

MAY 17, 1989

SUBJECT:

COMMENTS TO MUR 2847 - First General Counsel's Rpt  
Signed May 12, 1989

Attached is a copy of Commissioner Thomas's vote  
sheet with comments regarding the above-captioned matter.

Attachment:  
copy of vote sheet

83040752125

BALLOT



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

SENSITIVE

DATE & TIME TRANSMITTED: MONDAY, MAY 15, 1989 4:00

COMMISSIONER: ALKENS, ELLIOTT, JOSEFIAR, McDONALD, McGARRY, THOMAS

RETURN TO COMMISSION SECRETARY BY WEDNESDAY, MAY 17, 1989 4:00

SUBJECT: MUR 2847 - First General Counsel's Report  
Signed May 12, 1989

- (✓) I approve the recommendation  
( ) I object to the recommendation

COMMENTS: Is there a 102.5(a)(2) violation?

DATE: 5/17/89

SIGNATURE Jack E. Thomas

A DEFINITE VOTE IS REQUIRED. ALL BALLOTS MUST BE SIGNED AND DATED.  
PLEASE RETURN ONLY THE BALLOT TO THE COMMISSION SECRETARY.  
PLEASE RETURN BALLOT NO LATER THAN DATE AND TIME SHOWN ABOVE.

89 MAY 17 PM 4:45  
FEDERAL ELECTION COMMISSION

89040752120



89 MAY 15 PM 12:21

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

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

MUR 2847  
DATE COMPLAINT RECEIVED  
BY OGC: 4/14/89  
DATE OF NOTIFICATION TO  
RESPONDENTS: 4/21/89  
STAFF MEMBER: Frania Monarski

COMPLAINANT: John W. Boyd

RESPONDENTS: National Republican Congressional Committee  
and Jack McDonald, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 441b(a)  
11 C.F.R. § 103.3(b)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

On April 14, 1989, John W. Boyd (the "Complainant") submitted a complaint to the Commission alleging that the National Republican Congressional Committee (the "Committee") and Jack McDonald, as treasurer, sent out a survey and solicitation letter that was designed to solicit contributions from corporations and partnerships in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). In MUR 2722, Lorraine K. Seaton submitted a complaint to the Commission which dealt with the same survey generated by the National Republican Congressional Committee. On January 11, 1989, the Commission found no reason to believe that the Committee and Jack McDonald, as treasurer, violated the Act on the basis that complaint.

On May 9, 1989, the Committee, through counsel, submitted a response to the complaint denying the allegations and stating

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that this matter "is indistinguishable in all material aspects from MUR 2722."

## II. FACTUAL AND LEGAL ANALYSIS

The "Agenda Survey" sent by the Committee included a statement to be signed by the contributor which reads, "This check is a personal contribution even though it may appear to be drawn on a business, partnership or other type of account." The Complainant contends that this language invites the reader to "make a contribution on his 'business' or 'other type of account' and to escape the election laws by indicating that the contribution is nevertheless 'personal'". There is no allegation that the Committee accepted any prohibited contributions as a result of this survey and solicitation.

Pursuant to the Act, it is unlawful for any corporation to make contributions or expenditures in connection with a federal election, or for a federal candidate or political committee knowingly to accept or receive such contributions. 2 U.S.C. § 441b(a). Commission Regulations require the treasurer of a committee to examine all contributions received to ascertain compliance with the law. 11 C.F.R. § 103.3(b). Where a contribution presents a genuine question as to whether it came from a corporation or other prohibited source, the treasurer must use his or her best efforts to determine the legality of the contribution. 11 C.F.R. § 103.3(b)(1). The treasurer must make at least one written or oral request for evidence of the legality of the contribution. Id. Such evidence includes obtaining a written statement from the contributor explaining why the

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contribution is legal. Id.

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The Committee, in its response, states that providing the contributor with the ability to sign a written statement explaining why the contribution is legal ensures compliance with the treasurer's responsibility to determine the legality of that contribution. The statement on the survey falls somewhat short of its intention to aid a committee treasurer in determining "why" a questionable contribution is, in fact, legal, because the statement is one of assertion, not explanation. Standing alone, it would not satisfy the requirements of 11 C.F.R. § 103.3(b)(1). Nonetheless, as the Committee's response indicates, there is no allegation that the survey was directed specifically to any corporation or that questionable and unexplained contributions were made and received as a result of this survey. Therefore, this Office recommends that the Commission find no reason to believe that the National Republican Congressional Committee and Jack McDonald, as treasurer, violated the Act on the basis of the complaint filed in MUR 2847.

### III. RECOMMENDATIONS

1. Find no reason to believe that the National Republican Congressional Committee and Jack McDonald, as treasurer, violated the Act on the basis of the complaint filed in MUR 2847.
2. Approve the attached letters.

3. Close the file.

Lawrence M. Noble  
General Counsel

May 13, 1989  
Date

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

Attachments

1. Response to Complaint
2. Proposed letters

33040752130

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

National Republican Congressional Committee  
and Jack McDonald, as treasurer

)  
)  
) MUR 2847  
)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal  
Election Commission, do hereby certify that on May 17,  
1989, the Commission decided by a vote of 6-0 to take  
the following actions in MUR 2847:

1. Find no reason to believe that the National  
Republican Congressional Committee and Jack  
McDonald, as treasurer, violated the Act on  
the basis of the complaint filed in MUR 2847.
2. Approve the letters, as recommended in the  
First General Counsel's report signed  
May 12, 1989.
3. Close the file.

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

Attest:

May 17, 1989  
Date

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

|   |       |          |       |
|---|-------|----------|-------|
| Received in the Office of Commission Secretary: | Mon., | 5-15-89, | 12:21 |
| Circulated on 48 hour tally basis:              | Mon., | 5-15-89, | 4:00  |
| Deadline for vote:                              | Wed., | 5-17-89, | 4:00  |



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

May 22, 1989

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

John W. Boyd, Esq.  
Freedman, Boyd & Daniels  
20 First Plaza, Suite 212  
Albuquerque, N.M. 87102

RE: MUR 2847

Dear Mr. Boyd:

On May 17, 1989, the Federal Election Commission reviewed the allegations of your complaint dated April 14, 1989, and found that on the basis of the information provided in your complaint, and information provided by the National Republican Congressional Committee, there is no reason to believe the National Republican Congressional Committee and Jack McDonald, as treasurer, violated any statute within the jurisdiction of the Commission. Accordingly, on May 17, 1989, the Commission closed the file in this matter. The Federal Election Campaign Act of 1971, as amended ("the Act") allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

Lawrence M. Noble  
General Counsel

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

BY: George F. Rishel  
Acting Associate General Counsel

Enclosure  
General Counsel's Report

93040752132



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20461

May 22, 1989

Jan W. Baran, Esq.  
Wiley, Rein & Fielding  
1776 K Street, N.W.  
Washington, D.C. 20006

RE: MUR 2847  
National Republican  
Congressional Committee  
and Jack McDonald, as  
treasurer

Dear Mr. Baran:

On April 21, 1989, the Federal Election Commission notified your clients, the National Republican Congressional Committee and Jack McDonald, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

On May 17, 1989, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe the National Republican Congressional Committee and Jack McDonald, as treasurer, violated any statute within the Commission's jurisdiction. Accordingly, the Commission closed its file in this matter.

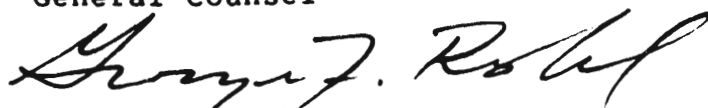
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Jan W. Baran  
Page 2

This matter will become a part of the public record within 30 days. If you wish to submit any materials to appear on the public record, please do so within ten days. Please send such materials to the Office of the General Counsel.

Sincerely,

Lawrence M. Noble  
General Counsel



BY: George F. Rishel  
Acting Associate General Counsel

Enclosure  
General Counsel's Report

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2847

DATE FILMED 6/2/89 CAMERA NO. 4

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**FEDERAL ELECTION COMMISSION**

WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC RECORD IN (CLOSED) MUR 2847

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OGC 2995

RECEIVED  
FEDERAL ELECTION COMMISSION  
ADMINISTRATIVE DIVISION

89 JUN -9 AM 9:40

LAW OFFICES OF  
**FREEDMAN, BOYD & DANIELS**  
A PROFESSIONAL ASSOCIATION  
20 FIRST PLAZA, SUITE 212  
ALBUQUERQUE, NEW MEXICO 87102  
TELEPHONE (505) 842-9960  
FACSIMILE (505) 842-0761

June 6, 1989

**CLOSED**

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
89 JUN -9 PM 1:20

George F. Rishel, Esq.  
Acting Associate General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2847

Dear Mr. Rishel:

I have your letter of May 22, 1989, and the enclosed First General Counsel's Report. The purpose of my writing to you is to express my skepticism about your conclusions and recommendations.

My complaint involved an effort by the National Republican Congressional Committee and Jack McDonald to establish a system whereby persons who give contributions which, on their face, may appear to be questionable, are encouraged to sign a *pro forma* statement that the contribution is, in effect, not questionable.

As I understand your conclusions, they are that this conduct does not represent a violation because "there is no allegation [presumably by me] that the survey was directed specifically to any corporation or that questionable or unexplained contributions were made and received as a result of this survey." You draw this conclusion despite your preliminary conclusion that the form's legend at the signature line, standing alone, could not satisfy a campaign committee's responsibility to investigate suspicious contributions because its language is conclusory, not explanatory.

*Of course I have no way of knowing whether the survey was directed specifically to any corporation, or that questionable and unexplained contributions were made and received as a result of the survey. I can hardly make a sworn statement to that effect. What your response to my complaint suggests is that it is perfectly acceptable to the Federal Election Commission if someone effectively solicits illegal contributions, so long as the person who complains about the situation doesn't have proof that any were actually made.*

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**FREEDMAN, BOYD & DANIELS**

A PROFESSIONAL ASSOCIATION

**George F. Rishel, Esq.**

**June 6, 1989**

**Page 2**

You point out, correctly, that the committee's response to the complaint is off the mark. If the statement does not suffice as the necessary investigation required of a campaign committee in connection with suspicious contributions, *then why is it on the form?*

Why do you permit it to remain on the form? If the statement "this is not an illegal campaign contribution" in connection with questionable contributions satisfies the Federal Election Commission, then you guys should close up shop and stop wasting all of our time. Your investigation of this matter is incomplete and your conclusion indefensible.

Very truly yours

JOHN W. BOYD

JWB:nbm

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING MATERIAL IS BEING ADDED TO THE  
PUBLIC RECORD IN (CLOSED) MUR 2847

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LAW OFFICES OF  
**FREEDMAN, BOYD & DANIELS**  
A PROFESSIONAL ASSOCIATION  
20 FIRST PLAZA, SUITE 218  
ALBUQUERQUE, NEW MEXICO 87102  
TELEPHONE (505) 842-8800  
FACSIMILE (505) 842-0761

June 6, 1989

FEDERAL

89 JUN -9 AM 9:40

89 JUN -9 PM 1:20

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF THE CLERK  
WASHINGTON, D.C. 20543

George F. Rishel, Esq.  
Acting Associate General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

Re: MUR 2847

Dear Mr. Rishel:

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**FREEDMAN, BOYD & DANIELS**

A PROFESSIONAL ASSOCIATION

George F. Rishel, Esq.

June 6, 1989

Page 2

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Very truly yours

JOHN W. BOYD

JWB:nbm

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