



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.  
WASHINGTON, D.C. 20463

THIS IS THE END OF TLR # 1230

Date Filmed 10/1/80 Camera No. --- 2

Cameraman bpc



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Schweitzer and  
Jan Baran  
Baker & Hostetler  
818 Connecticut Avenue, N.W.  
Washington, D.C. 20006

Re: MUR 1230

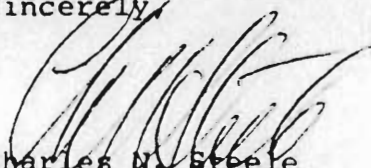
Dear Messrs. Schweitzer and Baran:

On September 2, 1980, the Federal Election Commission found reason to believe that Friends of Tom Hagedorn violated former 2 U.S.C. § 435(b) (repealed Jan. 8, 1980). Specifically, it appears that the committee failed to include the language required by this provision on a November 14, 1979, mailing encouraging persons to buy tickets to a committee fundraiser.

However, after considering the circumstances involved -- that the mailing was an isolated instance and that § 435(b) has been repealed -- the Commission determined that it will take no further action and close the file in this matter. The Commission reminds you that failing to include the notice required by present 2 U.S.C. § 44ld on contribution solicitations is a violation of the Act, and your client should take steps to insure that such violations do not occur in the future.

This matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days. If you have any questions, please contact Scott Thomas, the attorney assigned to this matter, at (202) 523-5071.

Sincerely,

  
Charles W. Steele  
General Counsel

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

William B. Schweitzer and  
Jan Baran  
Baker & Hostetler  
818 Connecticut Avenue, N.W.  
Washington, D.C. 20006

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Sincerely,

Charles N. Steele  
General Counsel

125  
9/4/80

00040214018



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

September 4, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael A. Hatch, Chairman  
Democratic Party, Minnesota  
730 East 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Hatch:

This is in reference to the complaint you re-filed with the Commission on July 7, 1980, concerning a mailing on behalf of Congressman Tom Hagedorn which did not include the notice required by former 2 U.S.C. § 435(b) (repealed Jan. 8, 1980).

On the basis of the complaint and the information provided by the respondents, the Commission determined there was reason to believe Friends of Tom Hagedorn violated former § 435(b). However, after considering the circumstances involved -- that the mailing was an isolated instance and that § 435(b) has been repealed -- the Commission determined that it will take no further action and close the file in this matter. The Commission reminded the Congressman's committee that failing to include the notice required by present 2 U.S.C. § 441d on contribution solicitations is a violation of the Act and that it should take steps to insure that such violations do not occur in the future.

Accordingly, the Commission has closed the file in this matter. Should additional information come to your attention which you believe establishes a violation of the Act, please contact Scott Thomas, the attorney assigned to this matter, at (202) 523-5071.

Sincerely,

Charles N. Steele  
General Counsel



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Michael A. Hatch, Chairman  
Democratic Party, Minnesota  
730 East 38th Street  
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On the basis of the complaint and to information provided by the respondents, the Commission determined there was reason to believe Friends of Tom Hagedorn violated former § 435(b). However, after considering the circumstances involved -- that the mailing was an isolated instance and that § 435(b) has been repealed -- the Commission determined that it will take no further action and close the file in this matter. The Commission reminded the Congressman's committee that failing to include the notice required by present 2 U.S.C. § 441d on contribution solicitations is a violation of the Act and that it should take steps to insure that such violations do not occur in the future.

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Sincerely,

Charles N. Steele  
General Counsel

KS  
9/4/80

August 28, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Chas Colgrove  
SUBJECT: MUR 1230

Please have the attached First General Counsel's  
Report on MUR 1230 distributed to the Commission on a  
48 hour tally basis.

Thank you.

80040214021

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Congressman Tom Hagedorn )

Friends of Tom Hagedorn )

MUR 1230

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 2, 1980, the Commission decided by a vote of 5-0 to take the following actions regarding MUR 1230:

1. Find REASON TO BELIEVE Friends of Tom Hagedorn violated former 2 U.S.C. §435(b), but take no further action.
2. Send the letters as attached to the First General Counsel's Report dated August 28, 1980.
3. CLOSE THE FILE.

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

Attest:

9/3/80

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary to the Commission

Received in Office of the Commission Secretary: 8-28-80, 11:27  
Circulated on 48 hour vote basis: 8-28-80, 4:00

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

80 AUG 28 4:27  
MUR # 1230  
DATE COMPLAINT RECEIVED  
BY OGC 7/7/80 (as refiled)

STAFF MEMBER \_\_\_\_\_  
Scott Thomas

After being notified that its initial complaint was not properly sworn to, complainant Democratic Party of Minnesota renewed its allegations on July 7, 1980. See Attachment A. It appears from the refiled complaint and from the response of the Congressman (see Attachment C) that Friends of Tom Hagedorn paid for a mailing to approximately 300 of the Congressman's constituents. The letters involved contained a paragraph concerning a legislative issue about which the



recipients had previously corresponded with the Congressman. See Attachment A, "Exhibit A." The letters then informed the recipients of a scheduled "dinner and reception on my [the Congressman's] behalf" to be attended by former California Governor Ronald Reagan. The letters concluded with the following:

If you are interested in meeting with Governor Reagan or hearing what this outstanding political leader has to say about the future of our country, please contact my volunteer committee for tickets by writing to the Friends of Tom Hagedorn, P.O. Box 3205, Mankato, Minnesota, 56001.

The mailing was carried out on November 14, 1979, before passage of the Federal Election Campaign Act Amendments of 1979, Pub.L. No. 96-187, 93 Stat. 1339. At that time 2 U.S.C. § 435(b) required political committees to include on literature and advertisements soliciting contributions notice that a copy of the committee's report was on file with the Commission. Then 2 U.S.C. § 441d required as well that any person making an "express advocacy" expenditure through general public political advertising must state by whom the communication was authorized. 1/

In our view, the mailing here involved does not in any way expressly advocate the election or defeat of a clearly identified candidate. We therefore feel there is no basis for finding reason to believe Friends of Tom Hagedorn violated former 2 U.S.C. § 441d.

With regard to former 2 U.S.C. § 435(b), however, we recommend finding reason to believe a violation occurred. Contrary to respondents arguments, the letters involved were "soliciting contributions" by encouraging individuals to buy tickets to the November 29, 1979, dinner on the Congressman's behalf. The January 31 Annual Report of Friends of Tom Hagedorn lists the November 29, 1979, dinner as a fundraising event which raised \$68,246. The Commission has concluded under the analogous standard of 2 U.S.C. § 441b(b)(4)(D) that informing persons of a fundraising activity is considered a solicitation. See e.g., Advisory Opinions 1976-96, 1978-83, and 1978-97 n.2. For similar reasons, the letters here involved should be considered

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1/ The 1979 amendments repealed 2 U.S.C. § 435(b) and amended 2 U.S.C. § 441d. See Secs. 105 and 111 of Pub.L. 96-187, 93 Stat. at 1354, 1365.

solicitations which required the § 435(b) notice. 2/

While we believe there is reason to believe Friends of Tom Hagedorn violated § 435(b), we do not believe that further Commission action is warranted. According to the committee's response, the solicitation here involved was an isolated instance, and all other solicitation materials of the committee contained the proper notice. 3/ Moreover, § 435(b) has now been repealed. Under present law, a solicitation for a contribution must indicate by whom it was paid for and authorized, see 2 U.S.C. § 441d, but need not contain the disclaimer of former § 435(b). We believe a finding of reason to believe the letters used by Friends of Tom Hagedorn were solicitations, coupled with an admonishment that such solicitations are now governed by § 441d, is the appropriate resolution of this matter by the Commission.

Recommendation

1. Find reason to believe Friends of Tom Hagedorn violated former 2 U.S.C. § 435(b), but take no further action;
2. Send the attached letters; and
3. Close the file.

Attachments:

- A - complaint
- B - 5-day notice letters
- C - response
- D - proposed letters

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2/ Advisory opinions issued by the Commission regarding former § 435(b) have not addressed the question of what in fact constitutes "soliciting contributions." See Advisory Opinions 1979-6, 1978-38, 1978-33, 1977-60, 1977-25, 1977-23. In Opinion of Counsel 1975-131, however, the General Counsel did express the view that "[a] letter or advertisement which offers tickets for a fundraising event ..." must contain the § 435(b) notice.

3/ The Commission recently found reason to believe former § 435(b) had been violated, but took no further action, in MUR 1189 involving the McGovern for Senate Committee. The General Counsel's Report there noted that the committee involved otherwise had a standard practice of including the proper notice.

00040214025

CCC  
1939

1230

July 1, 1980

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

Attn: Charles N. Steele, General Counsel

Re: Congressman Tom Hagedorn

Dear Mr. Steele:

Pursuant to your letter dated June 20, 1980, enclosed please find a complaint, signed and set forth in Affidavit form, concerning the violations of the Federal Elections Campaign Act of 1971, as amended, by Congressman Tom Hagedorn.

In the event that this complaint is not of proper form, please advise and we will make the appropriate corrections.

Very truly yours,



Michael A. Hatch  
Chairman  
Democratic Party, Minnesota

MAH:n1  
Encl.

30 JUL 7 11:55

RECEIVED  
GENERAL COUNSEL

Attachment A

FEDERAL ELECTIONS COMMISSION


A F F I D A V I T

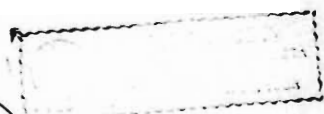
MICHAEL A. HATCH, being first duly sworn upon oath, states as follows:

1. That your affiant is the Chairman of the Democratic Party in the State of Minnesota.
2. That attached as Exhibit A is a letter dated November 14, 1979, from Congressman Tom Hagedorn and addressed to Ms. Barb Beebe, a constituent of Congressman Hagedorn in the Second Congressional District for the State of Minnesota.
3. The letter attached as Exhibit A solicits a contribution to Congressman Hagedorn's Volunteer Committee without carrying the legally required notices on the face of the letter. It does not state who did authorize or pay for the solicitation.
4. Your affiant believes that Congressman Hagedorn intentionally sought to deceive the recipient of the letter into believing that a contribution to his Volunteer Committee was related to the constituent service of his office. Your affiant notes the following:
  - A. The letter states in minute print that it is not printed at government expense, but does not state who did print the literature.
  - B. Congressman Hagedorn has admitted that the letter and solicitation was performed by his Congressional staff on government time in Congress.
  - C. The solicitation letter is composed in a so-called "up-date to previous correspondence" to constituents who have earlier written him.
5. This Affidavit is made in support of, and is a request for, an investigation by the Federal Elections Commission concerning the legality of a member of Congress soliciting funds in a so-called "constituent letter" without proper disclaimers.

  
Michael A. Hatch

Subscribed and sworn to before me  
this 2 day of July, 1980.

  
Notary Public



00040014027

TOM HAGEDORN  
2nd DISTRICT, MINNESOTA

COUNTY:  
AGRICULTURE  
PUBLIC WORKS AND  
TRANSPORTATION

WASHINGTON OFFICE:  
400 CASHEN HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2472

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

DISTRICT OFFICE:  
2000 MANKATO MALL  
MANKATO, MINNESOTA 56001  
(507) 257-4226  
211 SOUTH NEWTON STREET  
ALBERT LEA, MINNESOTA 56007  
(507) 277-1076  
GEORGE L. BERL, JR.  
ADMINISTRATIVE ASSISTANT

November 14, 1979

*Exhibit A*

Ms. Barb Beebe  
1581 Sherwood Drive  
North Mankato, Minnesota 56001

Dear Ms. Beebe:

As an update to our previous correspondence, I want you to know that I voted on both July 11 and September 27 of this year against legislation which created a new Department of Education. Unfortunately, both the House and Senate, with the President's backing, passed legislation to enact this new government bureaucracy and the President signed the bill into law on October 17. I share your concerns that the Department of Education, with its 18,000 employees and \$14 billion annual budget, will create more unnecessary and unwarranted federal control over state and local education.

As always, I welcome the opportunity to hear from you on issues of importance to our state and nation. Your guidance and support is very much appreciated and I look forward to having the benefit of your views in the future. Since we share many of the same concerns as Americans, I believe you will be interested to know that former California Governor and Presidential contender Ronald Reagan will be in Mankato on November 29 for a dinner and reception on my behalf.

If you are interested in meeting with Governor Reagan or hearing what this outstanding political leader has to say about the future of our country, please contact my volunteer committee for tickets by writing to the Friends of Tom Hagedorn, P.O. Box 3205, Mankato, Minnesota, 56001.

With every good wish, I am

Sincerely yours,

*Tom Hagedorn*  
Tom Hagedorn  
Member of Congress

TH:jr





FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Schweitzer and  
Jan Baran  
Baker and Hostetler  
818 Connecticut Ave., N.W.  
Washington, D.C. 20006

Re: MUR 1230

Dear Messrs. Schweitzer and Baran:

This letter is to notify you that on July 7, 1980, the Federal Election Commission received a refiling of a complaint which alleges that Congressman Tom Hagedorn or Friends of Tom Hagedorn may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of this refiled complaint is enclosed. This matter continues to be numbered MUR 1230. Please refer to this number in all future correspondence.

Under the Act, your client has the opportunity to demonstrate in writing, that no action should be taken against him or his committee in connection with this matter. Any 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 believed 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 have any questions, please contact Scott Thomas, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure

Attachment B



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael A. Hatch, Chairman  
Democratic Party, Minnesota  
730 East 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Hatch:

This letter is to acknowledge receipt of your complaint dated July 1, 1980, against Congressman Tom Hagedorn or Friends of Tom Hagedorn alleging a violation of the Federal Election Campaign Act of 1971, as amended. The Commission is treating your July 1, 1980, complaint as a refiling of the complaint filed on December 19, 1979, by Mr. Ulric Scott.

The staff member assigned to analyze your allegations will proceed as expeditiously as feasible in handling this matter. The respondent will be notified of this refiling, and a recommendation to the Commission as to how this matter should proceed will be made after the respondent has had 15 days to respond. 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele".

Charles N. Steele  
General Counsel

BAKER & HOSTETLER

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N. W.

WASHINGTON, D. C. 20006

(202) 861-1500

TELEX: 187040 BAKHOST

TELESCOPIER: (202) 867-0060

IN CLEVELAND, OHIO  
1956 UNION COMMERCE BUILDING  
CLEVELAND, OHIO 44115  
(216) 621-0200  
TWX 810 421 8375

IN COLUMBUS, OHIO  
100 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN DENVER, COLORADO  
500 CAPITOL LIFE CENTER  
DENVER, COLORADO 80203  
(303) 861-0600

IN ORLANDO, FLORIDA  
850 CNA TOWER  
ORLANDO, FLORIDA 32802  
(308) 841-1111

July 29, 1980

WRITER'S DIRECT DIAL NO.:

(202) 861-1500

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

Re: MUR 1230

Dear Mr. Steele:

This office represents Congressman Tom Hagedorn and Friends of Tom Hagedorn in Matter Under Review ("MUR") 1230. We are submitting this letter pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6 (1980).

PRELIMINARY STATEMENT

On May 2, 1980, you wrote a letter to Congressman Tom Hagedorn. In your letter, you notified him that a complaint had been filed against him on December 19, 1979 alleging that he violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("Act"). You further stated that the delay in notifying him of the complaint was "due to administrative inadvertence." Attached to your letter were two documents: (1) a letter dated December 13, 1979 on the stationery of the Democratic Farmer Labor Party from Ulric Scott to the Federal Election Commission ("FEC") and (2) a letter dated November 14, 1979 from Congressman Hagedorn to Ms. Barb Beebe. The Scott letter was treated by the FEC as a complaint and the Hagedorn letter was the basis of the complaint. The Scott letter was not sworn to as required by 11 C.F.R. §111.4(b)(2) (1980).

On May 29, 1980, Congressman Hagedorn by his counsel submitted to your assistant, Mr. Scott E. Thomas, a letter asking you to notify Mr. Scott that his letter was not a

Attachment C

Charles N. Steele, Esquire  
July 29, 1980  
Page Two

valid complaint because it did not comply with the requirements of 11 C.F.R. §111.4(b)(2) (1980) and that no action would be taken by the FEC on the basis of the letter. On June 20, 1980, we received a letter from you notifying us that the FEC determined that the Scott letter was not a valid complaint because it was not sworn to as required by 2 U.S.C. §437g(a)(1). You also stated that unless Mr. Scott refiled his complaint in proper form within thirty days, the matter under review would be closed.

On July 21, 1980, we received a letter from you dated July 18, 1980 and two attachments. In your letter, you notified us that on July 7, 1980 the FEC received a sworn complaint alleging violations by Congressman Tom Hagedorn and the Friends of Tom Hagedorn Committee ("Committee") of the Act. You also stated that you are considering the new complaint to be a refiling of the original complaint and will continue to designate the matter MUR 1230. Attached to your letter is an affidavit dated July 2, 1980 and signed and sworn to by Michael A. Hatch, and a cover letter dated July 1, 1980 from Mr. Hatch to you. The refiled complaint alleges violations of the Act by both Congressman Hagedorn and the Committee.

#### STATEMENT OF FACTS

On November 14, 1979, Congressman Hagedorn sent approximately 300 letters to constituents in his congressional district. The Committee paid for the stationery, envelopes and postage. Each letter contained a paragraph concerning a legislative issue about which the recipient of the letter had previously communicated to Congressman Hagedorn and a notification about a reception and dinner in Mankato, Minnesota on November 29, 1979, at which Governor Ronald Reagan was the featured speaker. The recipient was also told that if he or she were interested in hearing Governor Reagan's remarks, he or she should contact the Committee for tickets.

#### ARGUMENT

- I. No Notice Was Required on the Letter Under Former Section 44ld, Because No Candidate's Election or Defeat Was Expressly Advocated.

Respondents deny that the letter subject to the complaint and others like it omits any legally required disclaimer. As will be demonstrated below, no notices are

Charles N. Steele, Esquire  
July 29, 1980  
Page Three

legally required on communications such as the constituent letter. Notwithstanding that, the Committee voluntarily placed a notice on the bottom of this correspondence, notifying the reader that the material was not printed at government expense. This was done in order to avoid misleading any reader.

At the time the letter was mailed, no notice was required by any provision of the Act. <sup>1/</sup> There are only two potentially applicable statutes. The first provision required an authorization notice on any "communications expressly advocating the election or defeat of a clearly identified candidate." 2 U.S.C. §441d (1976) (amended 1980). It is well established that the term "expressly advocating" must be construed narrowly to include only express words of advocacy such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Buckley v. Valeo, 424 U.S. 1, 44 n. 52 (1976); 11 C.F.R. §109.1(b)(2) (1980). The letter to Ms. Beebe did not contain any of these express words or any words that even suggest that a person vote for or against any candidate. For this reason, former section 441d was not applicable to this letter and, therefore, no notice was required.

II. No Notice Was Required on the Letter Under Former Section 435(b) Because No Contribution Was Solicited.

The only other relevant statute that required notices was former section 435(b) which specified a notice on "all literature and advertisements soliciting contributions. 2 U.S.C. §435(b) (1976) (repealed); 11 C.F.R. §110.11(c) (1979). It is apparent that this requirement was applicable only if a communication solicited a political contribution. The Committee submits that the letter to Ms. Beebe was not a solicitation. No contribution was requested. There is no reference to money or political funds of any kind. In fact, the letter was intentionally drafted to avoid references to the solicitation of contributions. The letter clearly related to past services by Congressman Hagedorn to his constituent, Ms. Beebe, and discussed matters of public importance in which she had previously expressed interest.

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<sup>1/</sup> The letter was printed in the Fall of 1979, prior to the enactment of the 1979 Amendments to the Act. P.L. 96-187, 93 Stat. 1339. Therefore, the applicable law is that version of the Act in effect at that time and prior to the 1979 Amendments.



Charles N. Steele, Esquire  
July 29, 1980  
Page Four

References to Ronald Reagan's appearance in Mankato and notice as to how one can obtain information about that event do not constitute a solicitation. A solicitation could have occurred only if Ms. Beebe subsequently called the Committee and was then asked for a contribution. For these reasons, no notice was required under former section 435(b).

III. Assuming Arguendo That a Notice Was Required,  
the Failure to State It Is No More Than a  
de Minimis Violation of the Act.

The Committee and Congressman Hagedorn submit that the Section 435(b) notice was placed on all solicitation materials used by the Committee. Assuming arguendo that the letters for the Reagan dinner were solicitations, the failure to place the Section 435(b) notice on the letters was at best a de minimis violation of the Act.

The FEC in In the Matter of Albert F. Gordon, MUR 1097, voted to take no action whatsoever with respect to an individual who allegedly exceeded the annual contribution limitation, 2 U.S.C. §441a(a)(3), by \$350. The basis for the General Counsel's recommendation was that the amount of the apparent violation was de minimis. Also, in In the Matter of Arizonans for Life, MUR 984, the FEC closed a file and sought no civil penalty or conciliation agreement where a political committee violated Section 441d by failing to post an authorization notice on communications.

If the Committee has violated Section 435(b), such a violation does not rise to the level of a violation of the contribution limitations or the authorization notice requirement. Also, the Committee sent only three hundred invitations to the Reagan dinner and placed the notice on all other solicitation materials.

Congress recognized the uselessness of the Section 435(b) notice by repealing in 1979 the section of the Act requiring such a notice. The provision had outlived its informational purpose because of the widespread dissemination of materials about the Act's reporting requirements by the FEC and instead had become merely a burdensome and meaningless requirement. Therefore, Congress struck the provision from the Act.

Charles N. Steele, Esquire  
July 29, 1980  
Page Five

Since the provision has been repealed and the alleged violation relates to incidents severely limited in number and scope, any violation should be treated as de minimis by the FEC. Moreover, the administrative inadvertence which caused the extreme delay in sending the initial complaint to Congressman Hagedorn as well as the technical deficiencies in the original complaint should be considered by the FEC in its determination whether to proceed with a matter under review which is, at worst, a de minimis violation.

CONCLUSION

Congressman Hagedorn and the Committee ask the FEC to take no action with respect to the instant complaint and to close MUR 1230. Congressman Hagedorn and the Committee also ask that, in light of the undue delay which has taken place in this MUR and which occurred through no fault of Congressman Hagedorn or the Committee, the FEC give this request expeditious treatment.

Respectfully submitted,

BAKER & HOSTETLER

By

  
William H. Schweitzer

  
Jan W. Baran



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

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Jan Baran  
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Washington, D.C. 20006

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Dear Messrs. Schweitzer and Baran:

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However, after considering the circumstances involved -- that the mailing was an isolated instance and that § 435(b) has been repealed -- the Commission determined that it will take no further action and close the file in this matter. The Commission reminds you that failing to include the notice required by present 2 U.S.C. § 44ld on contribution solicitations is a violation of the Act, and your client should take steps to insure that such violations do not occur in the future.

This matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days. If you have any questions, please contact Scott Thomas, the attorney assigned to this matter, at (202) 523-5071.

Sincerely,

Attachment D



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

CERTIFIED MAIL  
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Michael A. Hatch, Chairman  
Democratic Party, Minnesota  
730 East 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Hatch:

This is in reference to the complaint you re-filed with the Commission on July 7, 1980, concerning a mailing on behalf of Congressman Tom Hagedorn which did not include the notice required by former 2 U.S.C. § 435(b) (repealed Jan. 8, 1980).

On the basis of the complaint and the information provided by the respondents, the Commission determined there was reason to believe Friends of Tom Hagedorn violated former § 435(b). However, after considering the circumstances involved -- that the mailing was an isolated instance and that § 435(b) has been repealed -- the Commission determined that it will take no further action and close the file in this matter. The Commission reminded the Congressman's committee that failing to include the notice required by present 2 U.S.C. § 44ld on contribution solicitations is a violation of the Act and that it should take steps to insure that such violations do not occur in the future.

Accordingly, the Commission has closed the file in this matter. Should additional information come to your attention which you believe establishes a violation of the Act, please contact Scott Thomas, the attorney assigned to this matter, at (202) 523-5071.

Sincerely,

# Friends of TOM HAGEDORN Committee

P.O. Box 3205 Mankato, MN 56001

909 RECEIVED  
BCC# 2275-  
AUG 12 1980  
EXECUTIVE COMMITTEE

Glenn Annexstad  
Kelly Gage  
Lois Mack  
Mike Regan  
Laird Waldo, Finance Chairman  
Will Torgerson, Treasurer

August 4, 1980

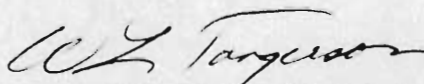
Scott Thomas, Esquire  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D.C. 20463

Re: Matter Under Review 1230

Dear Mr. Thomas:

I hereby notify the Federal Election Commission ("Commission") in accordance with the provisions of 11 C.F.R. §111.23 (1980) that William H. Schweitzer and Jan W. Baran of the law firm of Baker and Hostetler, 818 Connecticut Avenue, N.W., Washington, D.C. 20006, will represent the Friends of Tom Hagedorn in Matter Under Review 1230. Their telephone number is 202-861-1500. I authorize them to receive all notifications and other communications from the Commission on my behalf.

Sincerely yours,



W. L. Torgerson, Treasurer  
Friends of Tom Hagedorn Committee

WLT/lmm

cc: William H. Schweitzer

60:2 1190A 88



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FRIENDS OF TOM HAGEDORN  
COMMITTEE

P.O. BOX 3205  
MANKATO, MINN. 56001



Scott Thomas, Esquire  
Office of the General Counsel  
Federal Elections Commission  
1325 K Street N. W.  
Washington, D.C. 20463

DEC 21 1982  
FED

400#  
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**BAKER & HOSTETLER**

ATTORNEYS AT LAW

616 CONNECTICUT AVE., N.W.

WASHINGTON, D. C. 20006

(202) 661-1800

TELEX: 107040 BAKHOST

TELETYPE: (202) 667-0010

IN CLEVELAND, OHIO  
256 UNION COMMERCE BUILDING  
CLEVELAND, OHIO 44115  
(216) 621-0200  
TWX 810 421 8375

IN COLUMBUS, OHIO  
100 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN DENVER, COLORADO  
500 CAPITOL LIFE CENTER  
DENVER, COLORADO 80203  
(303) 661-0600

IN ORLANDO, FLORIDA  
850 CNA TOWER  
ORLANDO, FLORIDA 32802  
(305) 841-1111

July 29, 1980

WRITER'S DIRECT DIAL NO.:

(202) 861-1500

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

Re: MUR 1230

Dear Mr. Steele:

This office represents Congressman Tom Hagedorn and Friends of Tom Hagedorn in Matter Under Review ("MUR") 1230. We are submitting this letter pursuant to 2 U.S.C. §437g(a)(1) and 11 C.F.R. §111.6 (1980).

PRELIMINARY STATEMENT

On May 2, 1980, you wrote a letter to Congressman Tom Hagedorn. In your letter, you notified him that a complaint had been filed against him on December 19, 1979 alleging that he violated certain provisions of the Federal Election Campaign Act of 1971, as amended ("Act"). You further stated that the delay in notifying him of the complaint was "due to administrative inadvertence." Attached to your letter were two documents: (1) a letter dated December 13, 1979 on the stationery of the Democratic Farmer Labor Party from Ulric Scott to the Federal Election Commission ("FEC") and (2) a letter dated November 14, 1979 from Congressman Hagedorn to Ms. Barb Beebe. The Scott letter was treated by the FEC as a complaint and the Hagedorn letter was the basis of the complaint. The Scott letter was not sworn to as required by 11 C.F.R. §111.4(b)(2) (1980).

On May 29, 1980, Congressman Hagedorn by his counsel submitted to your assistant, Mr. Scott E. Thomas, a letter asking you to notify Mr. Scott that his letter was not a

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6700  
JUL 31 1980  
FEDERAL ELECTION COMMISSION

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Charles N. Steele, Esquire  
July 29, 1980  
Page Two

valid complaint because it did not comply with the requirements of 11 C.F.R. §111.4(b)(2) (1980) and that no action would be taken by the FEC on the basis of the letter. On June 20, 1980, we received a letter from you notifying us that the FEC determined that the Scott letter was not a valid complaint because it was not sworn to as required by 2 U.S.C. §437g(a)(1). You also stated that unless Mr. Scott refiled his complaint in proper form within thirty days, the matter under review would be closed.

On July 21, 1980, we received a letter from you dated July 18, 1980 and two attachments. In your letter, you notified us that on July 7, 1980 the FEC received a sworn complaint alleging violations by Congressman Tom Hagedorn and the Friends of Tom Hagedorn Committee ("Committee") of the Act. You also stated that you are considering the new complaint to be a refiling of the original complaint and will continue to designate the matter MUR 1230. Attached to your letter is an affidavit dated July 2, 1980 and signed and sworn to by Michael A. Hatch, and a cover letter dated July 1, 1980 from Mr. Hatch to you. The refiled complaint alleges violations of the Act by both Congressman Hagedorn and the Committee.

#### STATEMENT OF FACTS

On November 14, 1979, Congressman Hagedorn sent approximately 300 letters to constituents in his congressional district. The Committee paid for the stationery, envelopes and postage. Each letter contained a paragraph concerning a legislative issue about which the recipient of the letter had previously communicated to Congressman Hagedorn and a notification about a reception and dinner in Mankato, Minnesota on November 29, 1979, at which Governor Ronald Reagan was the featured speaker. The recipient was also told that if he or she were interested in hearing Governor Reagan's remarks, he or she should contact the Committee for tickets.

#### ARGUMENT

- I. No Notice Was Required on the Letter Under Former Section 44ld, Because No Candidate's Election or Defeat Was Expressly Advocated.

Respondents deny that the letter subject to the complaint and others like it omits any legally required disclaimer. As will be demonstrated below, no notices are

Charles N. Steele, Esquire  
July 29, 1980  
Page Three

legally required on communications such as the constituent letter. Notwithstanding that, the Committee voluntarily placed a notice on the bottom of this correspondence, notifying the reader that the material was not printed at government expense. This was done in order to avoid misleading any reader.

At the time the letter was mailed, no notice was required by any provision of the Act. <sup>1/</sup> There are only two potentially applicable statutes. The first provision required an authorization notice on any "communications expressly advocating the election or defeat of a clearly identified candidate." 2 U.S.C. §441d (1976) (amended 1980). It is well established that the term "expressly advocating" must be construed narrowly to include only express words of advocacy such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "reject." Buckley v. Valeo, 424 U.S. 1, 44 n. 52 (1976); 11 C.F.R. §109.1(b)(2) (1980). The letter to Ms. Beebe did not contain any of these express words or any words that even suggest that a person vote for or against any candidate. For this reason, former section 441d was not applicable to this letter and, therefore, no notice was required.

II. No Notice Was Required on the Letter Under Former Section 435(b) Because No Contribution Was Solicited.

The only other relevant statute that required notices was former section 435(b) which specified a notice on "all literature and advertisements soliciting contributions. 2 U.S.C. §435(b) (1976) (repealed); 11 C.F.R. §110.11(c) (1979). It is apparent that this requirement was applicable only if a communication solicited a political contribution. The Committee submits that the letter to Ms. Beebe was not a solicitation. No contribution was requested. There is no reference to money or political funds of any kind. In fact, the letter was intentionally drafted to avoid references to the solicitation of contributions. The letter clearly related to past services by Congressman Hagedorn to his constituent, Ms. Beebe, and discussed matters of public importance in which she had previously expressed interest.

---

<sup>1/</sup> The letter was printed in the Fall of 1979, prior to the enactment of the 1979 Amendments to the Act. P.L. 96-187, 93 Stat. 1339. Therefore, the applicable law is that version of the Act in effect at that time and prior to the 1979 Amendments.

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Charles N. Steele, Esquire  
July 29, 1980  
Page Four

References to Ronald Reagan's appearance in Mankato and notice as to how one can obtain information about that event do not constitute a solicitation. A solicitation could have occurred only if Ms. Beebe subsequently called the Committee and was then asked for a contribution. For these reasons, no notice was required under former section 435(b).

III. Assuming Arguendo That a Notice Was Required,  
the Failure to State It Is No More Than a  
de Minimis Violation of the Act.

The Committee and Congressman Hagedorn submit that the Section 435(b) notice was placed on all solicitation materials used by the Committee. Assuming arguendo that the letters for the Reagan dinner were solicitations, the failure to place the Section 435(b) notice on the letters was at best a de minimis violation of the Act.

The FEC in In the Matter of Albert F. Gordon, MUR 1097, voted to take no action whatsoever with respect to an individual who allegedly exceeded the annual contribution limitation, 2 U.S.C. §441a(a)(3), by \$350. The basis for the General Counsel's recommendation was that the amount of the apparent violation was de minimis. Also, in In the Matter of Arizonans for Life, MUR 984, the FEC closed a file and sought no civil penalty or conciliation agreement where a political committee violated Section 441d by failing to post an authorization notice on communications.

If the Committee has violated Section 435(b), such a violation does not rise to the level of a violation of the contribution limitations or the authorization notice requirement. Also, the Committee sent only three hundred invitations to the Reagan dinner and placed the notice on all other solicitation materials.

Congress recognized the uselessness of the Section 435(b) notice by repealing in 1979 the section of the Act requiring such a notice. The provision had outlived its informational purpose because of the widespread dissemination of materials about the Act's reporting requirements by the FEC and instead had become merely a burdensome and meaningless requirement. Therefore, Congress struck the provision from the Act.

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Charles N. Steele, Esquire  
July 29, 1980  
Page Five

Since the provision has been repealed and the alleged violation relates to incidents severely limited in number and scope, any violation should be treated as de minimis by the FEC. Moreover, the administrative inadvertence which caused the extreme delay in sending the initial complaint to Congressman Hagedorn as well as the technical deficiencies in the original complaint should be considered by the FEC in its determination whether to proceed with a matter under review which is, at worst, a de minimis violation.

CONCLUSION

Congressman Hagedorn and the Committee ask the FEC to take no action with respect to the instant complaint and to close MUR 1230. Congressman Hagedorn and the Committee also ask that, in light of the undue delay which has taken place in this MUR and which occurred through no fault of Congressman Hagedorn or the Committee, the FEC give this request expeditious treatment.

Respectfully submitted,

BAKER & HOSTETLER

By William H. Schweitzer  
William H. Schweitzer

Jan W. Baran  
Jan W. Baran

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**BAKER, HOSTETLER, FROST & TOWERS**

818 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

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

300#  
247

**BAKER & HOSTETLER**

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N.W.

WASHINGTON, D. C. 20006

(800) 861-1500

TELEX: 197643 BAKHOSY

TELECOPIER: (800) 857-0010

IN DENVER, COLORADO  
500 CAPITOL LIFE CENTER  
DENVER, COLORADO 80203  
(303) 861-0800

IN ORLANDO, FLORIDA  
850 CNA TOWER  
ORLANDO, FLORIDA 32802  
(305) 841-1111

IN CLEVELAND, OHIO  
1956 UNION COMMERCE BUILDING  
CLEVELAND, OHIO 44115  
(216) 821-0200  
TWX 810 421 8378

IN COLUMBUS, OHIO  
100 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

July 29, 1980

WRITER'S DIRECT DIAL NO.:

(202) 861- 1500

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

Re: MUR 1230

Dear Mr. Steele:

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P 4:54

Charles N. Steele, Esquire  
July 29, 1980  
Page Two

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Charles N. Steele, Esquire  
July 29, 1980  
Page Three

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<sup>1/</sup> The letter was printed in the Fall of 1979, prior to the enactment of the 1979 Amendments to the Act. P.L. 96-187, 93 Stat. 1339. Therefore, the applicable law is that version of the Act in effect at that time and prior to the 1979 Amendments.



Charles N. Steele, Esquire  
July 29, 1980  
Page Four

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Charles N. Steele, Esquire  
July 29, 1980  
Page Five

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CONCLUSION

Congressman Hagedorn and the Committee ask the FEC to take no action with respect to the instant complaint and to close MUR 1230. Congressman Hagedorn and the Committee also ask that, in light of the undue delay which has taken place in this MUR and which occurred through no fault of Congressman Hagedorn or the Committee, the FEC give this request expeditious treatment.

Respectfully submitted,

BAKER & HOSTETLER

By William H. Schweitzer  
William H. Schweitzer

Jan W. Baran  
Jan W. Baran

80040214050

00040214051

**BAKER, HOSTETLER, FROST & TOWERS**

818 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael A. Hatch, Chairman  
Democratic Party, Minnesota  
730 East 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Hatch:

This letter is to acknowledge receipt of your complaint dated July 1, 1980, against Congressman Tom Hagedorn or Friends of Tom Hagedorn alleging a violation of the Federal Election Campaign Act of 1971, as amended. The Commission is treating your July 1, 1980, complaint as a refiling of the complaint filed on December 19, 1979, by Mr. Ulric Scott.

The staff member assigned to analyze your allegations will proceed as expeditiously as feasible in handling this matter. The respondent will be notified of this refiling, and a recommendation to the Commission as to how this matter should proceed will be made after the respondent has had 15 days to respond. 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.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele".

Charles N. Steele  
General Counsel

40040014053

PS Form 3811, Jan 1978

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

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

2. ARTICLE ADDRESSED TO:  
 Michael A. Hatah  
 730 EAST 38th St.,  
 MINN, MINN 55407

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 645571  
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY  
 JUL 22 1980

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

MUR1230 ☆ Thomas

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 18, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Schweitzer and  
Jan Baran  
Baker and Hostetler  
818 Connecticut Ave., N.W.  
Washington, D.C. 20006

Re: MUR 1230

Dear Messrs. Schweitzer and Baran:

This letter is to notify you that on July 7, 1980, the Federal Election Commission received a refiling of a complaint which alleges that Congressman Tom Hagedorn or Friends of Tom Hagedorn may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of this refiled complaint is enclosed. This matter continues to be numbered MUR 1230. Please refer to this number in all future correspondence.

Under the Act, your client has the opportunity to demonstrate in writing, that no action should be taken against him or his committee in connection with this matter. Any 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 believed 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)(E) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you have any questions, please contact Scott Thomas, the attorney assigned to this matter at (202) 523-4000.

Sincerely,

Charles N. Steele  
General Counsel

Enclosure

0047214054

5504120600

PS Form 3811, Jan. 1979

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

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

2. **ARTICLE ADDRESSED TO:**  
WM. H. SCHWARTZ &  
SAN BAPAN  
819 CONN. AVE. N.W.  
S.C.

3. **ARTICLE DESCRIPTION:**  
REGISTERED NO. CERTIFIED NO. INSURED NO.  
015544  
(Always obtain signature of addressee or agent)  
I have received the article described above.  
SIGNATURE ☐ Addressee ☐ Authorized agent  
S. Cobb

4. **DATE OF DELIVERY**  
7/21/79

5. **ADDRESS** (Complete only if requested)

6. **UNABLE TO DELIVER BECAUSE:** **CLERK'S INITIALS**  
MUR1230 Thomas

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 9, 1980

MEMORANDUM TO: Marjorie W. Emmons  
FROM: Elissa T. Garr *ETG*  
SUBJECT: MUR 1255

Please notify the Commission that the complaint  
numbered MUR 1255 and distributed to the Commission  
was a mistake. It is part of MUR 1230. Thank you.

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1230

July 1, 1980

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

Attn: Charles N. Steele, General Counsel

Re: Congressman Tom Hagedorn

Dear Mr. Steele:

Pursuant to your letter dated June 20, 1980, enclosed please find a complaint, signed and set forth in Affidavit form, concerning the violations of the Federal Elections Campaign Act of 1971, as amended, by Congressman Tom Hagedorn.

In the event that this complaint is not of proper form, please advise and we will make the appropriate corrections.

Very truly yours,



Michael A. Hatch  
Chairman  
Democratic Party, Minnesota

MAH:n1  
Encl.

80 JUL 7 411:55

RECEIVED  
GENERAL COUNCIL

00040314057

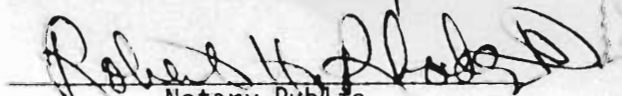
FEDERAL ELECTIONS COMMISSIONA F F I D A V I T

MICHAEL A. HATCH, being first duly sworn upon oath, states as follows:

1. That your affiant is the Chairman of the Democratic Party in the State of Minnesota.
2. That attached as Exhibit A is a letter dated November 14, 1979, from Congressman Tom Hagedorn and addressed to Ms. Barb Beebe, a constituent of Congressman Hagedorn in the Second Congressional District for the State of Minnesota.
3. The letter attached as Exhibit A solicits a contribution to Congressman Hagedorn's Volunteer Committee without carrying the legally required notices on the face of the letter. It does not state who did authorize or pay for the solicitation.
4. Your affiant believes that Congressman Hagedorn intentionally sought to deceive the recipient of the letter into believing that a contribution to his Volunteer Committee was related to the constituent service of his office. Your affiant notes the following:
  - A. The letter states in minute print that it is not printed at government expense, but does not state who did print the literature.
  - B. Congressman Hagedorn has admitted that the letter and solicitation was performed by his Congressional staff on government time in Congress.
  - C. The solicitation letter is composed in a so-called "up-date to previous correspondence" to constituents who have earlier written him.
5. This Affidavit is made in support of, and is a request for, an investigation by the Federal Elections Commission concerning the legality of a member of Congress soliciting funds in a so-called "constituent letter" without proper disclaimers.

  
Michael A. Hatch

Subscribed and sworn to before me  
this 2 day of July, 1980.

  
Notary Public



TOM HAGEDORN  
2ND DISTRICT, MINNESOTA

COMMITTEES:  
AGRICULTURE  
PUBLIC WORKS AND  
TRANSPORTATION

WASHINGTON OFFICE:  
448 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2472

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

DISTRICT OFFICE:  
2040 MANKATO MALL  
MANKATO, MINNESOTA 56001  
(507) 257-2126  
211 SOUTH NEWTON STREET  
ALBERT LEA, MINNESOTA 56007  
(507) 277-1678  
GEORGE L. BERL, JR.  
ADMINISTRATIVE ASSISTANT

November 14, 1979

Ms. Barb Beebe  
1581 Sherwood Drive  
North Mankato, Minnesota 56001

Dear Ms. Beebe:

As an update to our previous correspondence, I want you to know that I voted on both July 11 and September 27 of this year against legislation which created a new Department of Education. Unfortunately, both the House and Senate, with the President's backing, passed legislation to enact this new government bureaucracy and the President signed the bill into law on October 17. I share your concerns that the Department of Education, with its 16,000 employees and \$14 billion annual budget, will create more unnecessary and unwarranted federal control over state and local education.

As always, I welcome the opportunity to hear from you on issues of importance to our state and nation. Your guidance and support is very much appreciated and I look forward to having the benefit of your views in the future. Since we share many of the same concerns as Americans, I believe you will be interested to know that former California Governor and Presidential contender Ronald Reagan will be in Mankato on November 29 for a dinner and reception on my behalf.

If you are interested in meeting with Governor Reagan or hearing what this outstanding political leader has to say about the future of our country, please contact my volunteer committee for tickets by writing to the Friends of Tom Hagedorn, P.O. Box 3205, Mankato, Minnesota, 56001.

With every good wish, I am

Sincerely yours,

*Tom Hagedorn*

Tom Hagedorn  
Member of Congress

TH:jr

UFL STATE CENTRAL COMMITTEE  
730 East 38th Street  
Minneapolis, Minn. 55407  
Tel. 827-5421



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

Att: Charles N. Steele, Gen. Counsel

004021406

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

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

2. ARTICLE ADDRESSED TO:  
 Mr. Alvin Scott  
 7302 1/2 38th St.  
 Penn. Tenn 55407

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 smeshb  
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: JUN 26 1980 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

MLR 1230 Thomas

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

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

2. ARTICLE ADDRESSED TO:  
 Wm. Schweitzer & Son Baron  
 Baron & Hestler  
 818 County Ave. N.W.  
 C. 20006

3. ARTICLE DESCRIPTION:  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 smeshb  
 (Always obtain signature of addressee or agent)

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

4. DATE OF DELIVERY: 6/24/80 POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS

MLR 1230 Thomas



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Schweitzer and  
Jan W. Baran  
Baker & Hostetler  
818 Connecticut Ave., N.W.  
Washington, D.C. 20006

Re: MUR 1230

Dear Messrs. Schweitzer & Baran:

This letter concerns the complaint filed against your client, Congressman Tom Hagedorn, by Mr. Ulric Scott on December 19, 1979. The Commission has determined that the complaint failed to meet the requirement of 2 U.S.C. § 437g(a)(1) that complaints be sworn to by the complainant. A copy of the Commission's letter to Mr. Scott notifying him of the deficiency is enclosed for your information.

The file in this matter will be closed, unless within 30 days of his receipt of the Commission's letter Mr. Scott refiles his complaint in proper form.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele".

Charles N. Steele  
General Counsel

80040214063  
CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

William H. Schweitzer and  
Jan W. Baran  
Baker & Hostetler  
818 Connecticut Ave., N.W.  
Washington, D.C. 20006

Re: MUR 1230

Dear Messrs. Schweitzer & Baran:

This letter concerns the complaint filed against your client, Congressman Tom Hagedorn, by Mr. Ulric Scott on December 19, 1979. The Commission has determined that the complaint failed to meet the requirement of 2 U.S.C. § 437g(a)(1) that complaints be sworn to by the complainant. A copy of the Commission's letter to Mr. Scott notifying him of the deficiency is enclosed for your information.

The file in this matter will be closed, unless within 30 days of his receipt of the Commission's letter Mr. Scott refiles his complaint in proper form.

Sincerely,

Charles N. Steele  
General Counsel

*CS*  
6/20/80





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 20, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ulric Scott  
730 E. 38th Street  
Minneapolis, Minnesota 55407

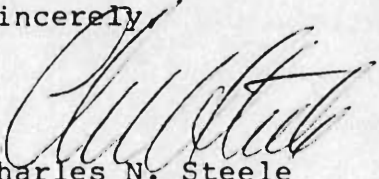
Dear Mr. Scott:

This letter concerns the complaint which you filed on December 19, 1979, against Congressman Tom Hagedorn alleging violations of the Federal Election Campaign Act of 1971, as amended.

As set forth in 2 U.S.C. § 437g(a)(1), the Commission is not empowered to take action on a complaint unless it is signed, sworn to, and notarized by the complainant. Congress clearly considered these requirements to be important. Moreover, the Commission wishes to avoid situations where subsequent enforcement of the Act is foreclosed because the original complaint did not meet the specifications of the statute.

Your complaint gives no indication that it is sworn to or made under penalty of perjury (see 28 U.S.C. § 1746). Accordingly, the file in this matter will be closed, unless within 30 days of your receipt of this letter you refile your complaint in proper form.

Sincerely,

  
Charles N. Steele  
General Counsel

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ulric Scott  
730 E. 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Scott:

This letter concerns the complaint which you filed on December 19, 1979, against Congressman Tom Hagedorn alleging violations of the Federal Election Campaign Act of 1971, as amended.

As set forth in 2 U.S.C. § 437g(a)(1), the Commission is not empowered to take action on a complaint unless it is signed, sworn to, and notarized by the complainant. Congress clearly considered these requirements to be important. Moreover, the Commission wishes to avoid situations where subsequent enforcement of the Act is foreclosed because the original complaint did not meet the specifications of the statute.

Your complaint gives no indication that it is sworn to or made under penalty of perjury (see 28 U.S.C. § 1746). Accordingly, the file in this matter will be closed, unless within 30 days of your receipt of this letter you refile your complaint in proper form.

Sincerely,

Charles N. Steele  
General Counsel

187  
6/26/80

30040214065

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )

Congressman Tom Hagedorn )

MUR 1230

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 19, 1980, the Commission decided by a vote of 6-0 to direct the Office of General Counsel to send the letters, as attached to the First General Counsel's Report dated June 16, 1980, to the complainant and respondent stating that the complaint does not comply with the requirement of 2 U.S.C. § 437g(a)(1) and that the Commission will close its file in this matter within 30 days, subject to reopening the file if a proper complaint is filed.

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

Attest:

6/19/80  
Date

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

June 16, 1990

MEMORANDUM TO: Marjorie W. Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 1230

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

800.400.214.067



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

RECEIVED  
OFFICE OF THE  
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL JUN 16 1980  
BY OGC TO THE COMMISSION

80 JUN 16 P123011  
MUR #  
DATE COMPLAINT RECEIVED  
BY OGC 12/19/79

STAFF MEMBER S. Thomas

COMPLAINANT'S NAME: Mr. Ulric Scott

RESPONDENT'S NAME: Congressman Tom Hagedorn

RELEVANT STATUTE: Former 2 U.S.C. § 435(b); former 2 U.S.C. § 441d;  
and 2 U.S.C. § 437g(a)(1)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

That Congressman Tom Hagedorn violated former 2 U.S.C.  
§ 435(b) and former 2 U.S.C. § 441d.

FACTUAL AND LEGAL ANALYSIS

This matter was initiated by the receipt on December 19, 1979, of a letter from Mr. Ulric Scott, Chair of the Minnesota Democratic Farmer Labor Party, alleging that a November 14, 1979, mailing by Congressman Tom Hagedorn solicited political funds without including proper disclaimers under the Act. See former 2 U.S.C. § 435(b) and former 2 U.S.C. § 441d. A copy of Mr. Scott's letter is appended as Attachment A. The letter included at the bottom a stamp by a notary public of the State of Minnesota. However, nowhere in the letter does there appear a statement that the contents of the letter were sworn to. Nor is there any declaration or affirmation under penalty of perjury that the facts set forth in the letter are true.

On May 2, 1980, a letter was sent to Congressman Hagedorn informing him of the allegations and enclosing a copy of the complaint. (Attachment B). In a May 27, 1980, meeting, counsel for the Congressman indicated that a preliminary response as to the technical sufficiency of the complaint would be filed promptly. On May 29, 1980, a letter from counsel was received (Attachment C). The letter asserts that because the complaint letter was not sworn to by the complainant, Mr. Scott, it should be dismissed.



The statutory provision in effect when the complaint was received, former 2 U.S.C. § 437g(a)(1) (amended Jan. 8, 1980, by Pub.L. 96-187), provided that a complaint "shall be in writing, shall be signed and sworn to by the person filing such complaint, and shall be notarized"(emphasis added). Persons filing complaints were subject to prosecution under 18 U.S.C. § 1001 for any false statements made. The statute as amended, present 2 U.S.C. § 437g(a)(1), retains these requirements and states further that a complaint shall be made under penalty of perjury as well as subject to 18 U.S.C. § 1001. Thus, by the express terms of the statute it is not sufficient for a complaint to only be notarized. Under both the 1976 and 1980 provisions, complaints must be sworn to, as well. 1/

Clearly, the requirement that complaints be sworn to is aimed at deterring frivolous or knowingly false allegations. 2/ A notarization of a signature does not by itself indicate that the contents of the writing are under oath. The Minnesota statute governing notaries public, Minn. Stat. Ann. § 358.09, indicates that if an oath is administered it should be in the written form: "Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_." The complaint in the present matter does not comply with the requirement that it be a sworn statement.

It should be noted that in 1976, Congress enacted Pub.L. 94-550, 90 Stat. 2534 (28 U.S.C. § 1746), which provides as follows:

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

1/ The requirements of a writing, signature, oath, and notarization are clearly matters of form. The language in the statute to the effect that complaints shall be made under penalty of perjury and subject to 18 U.S.C. § 1001, however, does not establish further requirements of form. Rather, it is a plain statement that complaints otherwise sufficient in form will be subject to penalty for perjury or false statement.

2/ See remarks of Representative Rostenkowski, 122 Cong. Rec. H2542 (daily ed. Mar. 30, 1976) ("Requiring that a complaint be filed in this manner, subject to the criminal code, will make the reporting of false accusations less likely."); remarks of Representative Hays, 122 Cong. Rec. H2533 (daily ed. Mar. 30, 1976).

00040214060

.. .  
(2) If executed within the United States, its territories, possessions, or commonwealths:  
'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date).  
(Signature)'

This provision would allow for written declarations under penalty of perjury to be substituted for the phrase "sworn to" in complaints filed with the Commission. However, the complaint filed in the present matter lacks a declaration under penalty of perjury, as well.

There is ample reason for treating the "sworn to" language of the statute as an absolute requirement. Under analogous provisions of § 706 of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e-5) several courts have held the oath requirement to be a jurisdictional prerequisite for initiating a civil action to enforce the statute. See, e.g. EEOC v. Appalachian Power Co., 568 F.2d 354 (4th Cir. 1978) (EEOC's suit dismissed for lack of jurisdiction because Commissioner's charge was not given under oath or affirmation); Stewart v. Core Laboratories Inc., 460 F.Supp. 931 (N.D. Tex. 1978) (complainant's private suit without jurisdiction because charge not filed under oath or declaration under penalty of perjury, but suit entertained on equitable grounds because EEOC procedures were misleading). The Commission would therefore be avoiding subsequent dismissals for lack of jurisdiction on this ground by requiring that all complaints expressly state that they are sworn to or made under penalty of perjury. Moreover, in light of the ease of complying with this requirement, the Commission would not be restricting access to the complaint process.

#### Recommendation

Direct the Office of General Counsel to send the attached letters to the complainant and respondent stating that the complaint does not comply with the requirements of 2 U.S.C. § 437g (a)(1) and that the Commission will close its file in this matter within 30 days, subject to reopening the file if a proper complaint is filed.

#### Attachments:

- A - Complaint
- B - 5 day notice letter
- C - Response of Congressman Hagedorn
- D - Proposed letters

00040211070



MINNESOTA  
**DEMOCRATIC  
FARMER LABOR  
PARTY**

730 East 38th Street, Minneapolis, Minnesota 55407 (612) 827-5421

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Rick Scott  
Chair  
Claire Rumpel  
Associate Chair  
Tom Mott  
Secretary  
David Lebdoft  
Treasurer

## STATE CENTRAL COMMITTEE

December 13, 1979

Federal Elections Commission  
1325 K Street N.W.  
Washington DC 20463

Re: Tom Hagedorn Violation

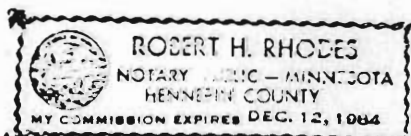
Enclosed is a copy of a letter sent by Tom Hagedorn, Member of Congress from Minnesota's Second Congressional District, to a constituent.

The letter solicits a contribution to a Hagedorn Volunteer Committee fundraiser without carrying either of the notices required on the face of such solicitations. Although the letter states it was not printed at government expense, it does not indicate who did authorize or pay for it. Nor does it include a notice that a copy of the authorizing group's report is on file and available for purchase.

In this instance, the omissions are intentional and serious because intentionally misleading. It is clear from the letter that Mr Hagedorn is putting the full weight of his Congressional Office behind the ticket purchase request. The letter starts with a counterfeit Congressional Office letterhead, even using his office return address. It works through a so-called "update to previous correspondence" into his pitch for tickets. In order to carry forward this charade of official correspondence, Mr. Hagedorn has printed his inadequate disclaimer in the smallest possible type. If he had included the notices required by law, the fact that this was a fundraising letter rather than official correspondence would have been obvious to the recipient. That is why I say the omissions are clearly intentional, and serious because they are intended to mislead the reader about the nature of the correspondence.

Mr Hagedorn, as a Member of Congress, certainly knows the requirements of law concerning solicitation letters. I realize that his unethical, misleading mixture of constituent reports with fund solicitations is not a matter for your committee. However, I do ask that you pursue the issues that are in your jurisdiction and punish him to the full extent of the law.

The letter included is only one example of a number brought to my attention. The wording of other letters was reported as similar, an "updating" letter followed by the ticket solicitation.



*Ulric Scott*

Ulric Scott  
730 E. 38th Street  
Minneapolis MN 55407  
612/827-5421



Attachment A

TOM HAGEDORN  
2nd DISTRICT, MINNESOTA

COMMITTEES:  
AGRICULTURE  
PUBLIC WORKS AND  
TRANSPORTATION

WASHINGTON OFFICE:  
440 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2472

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

DISTRICT OFFICES:  
2848 MANKATO MALL  
MANKATO, MINNESOTA 56001  
(507) 387-6126  
211 SOUTH NEWTON STREET  
ALBERT LEA, MINNESOTA 56007  
(507) 377-1576  
GEORGE L. BERS, JR.  
ADMINISTRATIVE ASSISTANT

November 14, 1979

Ms. Barb Beebe  
1581 Sherwood Drive  
North Mankato, Minnesota 56001

Dear Ms. Beebe:

As an update to our previous correspondence, I want you to know that I voted on both July 11 and September 27 of this year against legislation which created a new Department of Education. Unfortunately, both the House and Senate, with the President's backing, passed legislation to enact this new government bureaucracy and the President signed the bill into law on October 17. I share your concerns that the Department of Education, with its 18,000 employees and \$14 billion annual budget, will create more unnecessary and unwarranted federal control over state and local education.

As always, I welcome the opportunity to hear from you on issues of importance to our state and nation. Your guidance and support is very much appreciated and I look forward to having the benefit of your views in the future. Since we share many of the same concerns as Americans, I believe you will be interested to know that former California Governor and Presidential contender Ronald Reagan will be in Mankato on November 29 for a dinner and reception on my behalf.

If you are interested in meeting with Governor Reagan or hearing what this outstanding political leader has to say about the future of our country, please contact my volunteer committee for tickets by writing to the Friends of Tom Hagedorn, P.O. Box 3205, Mankato, Minnesota, 56001.

With every good wish, I am

Sincerely yours,

*Tom Hagedorn*  
Tom Hagedorn  
Member of Congress

TH:jr



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 2, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Tom Hagedorn  
440 Cannon House Office Building  
Washington, D.C. 20515

Re: MUR 1230

Dear Congressman Hagedorn:

This letter is to notify you that on December 19, 1979, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). There was a delay in the transmittal of this complaint due to administrative inadvertence. However, that delay will not impinge upon the statutory time in which your Committee has to respond. A copy of this complaint is enclosed. We have numbered this matter MUR 1230. Please refer to this number in all future correspondence.

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

Please submit any factual or legal materials which you believe are relevant to the Commission'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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

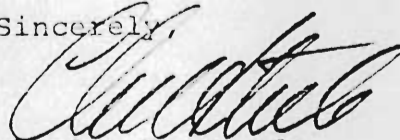
Attachment B



Page Two  
Letter to the Honorable Tom Hagedorn

If you have any questions, please contact Scott Thomas, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,



Charles N. Steele  
General Counsel

Enclosures:

Complaint  
Procedures

80040214071



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 2, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ulric Scott  
730 E. 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Scott:

This letter is to acknowledge receipt of your complaint of December 19, 1979, against the Friends of Tom Hagedorn which alleges violations of the Federal Election Campaign laws. There has been some delay in the processing of this complaint due to administrative inadvertence. A staff member has been assigned to analyze your allegations and will proceed as expeditiously as feasible in handling this matter. The respondent will be notified of this complaint within 5 days, and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint.

Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele", is written over the typed name.

Charles N. Steele  
General Counsel

Enclosure

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BAKER & HOSTETLER

ATTORNEYS AT LAW

818 CONNECTICUT AVE., N.W.

WASHINGTON, D. C. 20006

(202) 861-1500

TELEX: 197640 BAKHOST

TELECOPIER: (202) 867-0010

RECEIVED  
GENERAL COUNSEL  
GCC#1497

MAY 29 A10:49

IN CLEVELAND, OHIO  
1956 UNION COMMERCE BUILDING  
CLEVELAND, OHIO 44115  
(216) 621-0200  
TWX 810 421 8375

IN COLUMBUS, OHIO  
100 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 228-1841

IN ORLANDO, FLORIDA  
850 CNA TOWER  
ORLANDO, FLORIDA 32802  
(305) 841-1111

WRITER'S DIRECT DIAL NO.:

(202) 861-1500

May 29, 1980

Mr. Scott E. Thomas  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D.C. 20463

Re: MUR 1230

Dear Mr. Thomas:

This office represents Congressman Tom Hagedorn with respect to Matter Under Review ("MUR") 1230. This letter is sent pursuant to a meeting which William H. Schweitzer, of this office, and I had with you and David S. Branch, Assistant General Counsel, Federal Election Commission ("FEC"). At our meeting, Mr. Schweitzer and I brought to your attention the fact that, contrary to the requirements of the Federal Election Campaign Act ("Act"), the complaint filed by Mr. Ulric Scott against our client in MUR 1230, was not sworn to by Mr. Scott.

The Act states that a "complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code" 2 U.S.C. §437g(a)(1) (Supp. III 1979). The FEC's regulations provide in pertinent part that "[t]he contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized." 11 C.F.R. §111.4(b)(2) (1980). Both the Act and FEC regulations demand that a complaint meet distinct technical requirements before the FEC may take any action. See 11 C.F.R. §111.5(b) (1980). The requirements that a complainant swear to the contents of his complaint is separate and distinct from the requirements that the complaint be notarized.

Attachment C

Mr. Scott E. Thomas  
May 29, 1980  
Page Two

Mr. Scott's letter bears the seal and signature of a notary public. However, the notary certificate, or jurat, fails to indicate whether the letter was signed by Mr. Scott under oath. Furthermore, there is nothing in Mr. Scott's letter which expressly, or even implicitly, mentions whether Mr. Scott has sworn to his complaint.

The purposes of requiring sworn complaints are to impress upon complainants the seriousness of their action; to deter frivolous complaints; and to subject falsely swearing complainants to legal sanctions under the criminal perjury statutes and section 1001 of title 18, United States Code. Evidence of the complainant's oath should be apparent on the face of a complaint. In this regard, Mr. Scott's letter is void of any evidence that it has been sworn to. It is doubtful, furthermore, as to whether the Act's sanctions could be applied against Mr. Scott for any false statements which he may have made against our client in his letter. To permit FEC action on the basis of this technically insufficient complaint, therefore, would defeat a major purpose for the Act's insistence on a sworn complaint, and be contrary to section 437g(a)(1) and FEC regulations.

I respectfully request that the General Counsel, Charles N. Steele, notify Mr. Scott that his letter does not comply with the requirements of the Act nor with FEC regulations, that it does not constitute a valid complaint, and that no action shall be taken on the basis of his letter. 11 C.F.R. §111.5(b) (1980). Please notify this office of Mr. Steele's action with respect to this request.

Respectfully submitted,

Jan W. | Baran

William H. Schweitzer  
William H. Schweitzer

Counsel for Respondent  
Congressman Tom Hagedorn



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Tom Hagedorn  
440 Cannon House Office Building  
Washington, D.C. 20515

Re: MUR 1230

Dear Congressman Hagedorn:

This letter concerns the complaint filed against you by Mr. Ulric Scott on December 19, 1979. The Commission has determined that the complaint failed to meet the requirement of 2 U.S.C. § 437g(a)(1) that complaints be sworn to by the complainant. A copy of the Commission's letter to Mr. Scott notifying him of the deficiency is enclosed for your information.

The file in this matter will be closed, unless within 30 days of his receipt of the Commission's letter Mr. Scott refiles his complaint in proper form.

Sincerely,

Charles N. Steele  
General Counsel

Attachment D

0040214070





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ulric Scott  
730 E. 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Scott:

This letter concerns the complaint which you filed on December 19, 1979, against Congressman Tom Hagedorn alleging violations of the Federal Election Campaign Act of 1971, as amended.

As set forth in 2 U.S.C. § 437g(a)(1), the Commission is not empowered to take action on a complaint unless it is signed, sworn to, and notarized by the complainant. Congress clearly considered these requirements to be important. Moreover, the Commission wishes to avoid situations where subsequent enforcement of the Act is foreclosed because the original complaint did not meet the specifications of the statute.

Your complaint gives no indication that it is sworn to or made under penalty of perjury (see 28 U.S.C. § 1746). Accordingly, the file in this matter will be closed, unless within 30 days of your receipt of this letter you refile your complaint in proper form.

Sincerely,

Charles N. Steele  
General Counsel

80040214070

TOM HAGEDORN  
2ND DISTRICT, MINNESOTA

COMMITTEES:  
AGRICULTURE  
PUBLIC WORKS AND  
TRANSPORTATION

WASHINGTON OFFICE:  
440 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2472

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

RECEIVED  
200-#1587

80 JUN 5 11 50  
DISTRICT OFFICE:  
P.O. Box 2148  
MARLBOROUGH, MINNESOTA 56001  
(807) 367-8126

211 SOUTH NEWTON STREET  
ALBERT LEA, MINNESOTA 56007  
(807) 377-1676

RONALD K. ENCE  
ADMINISTRATIVE ASSISTANT

June 4, 1980

Mr. Scott Thomas  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

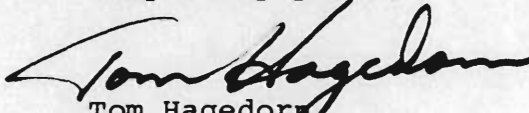
508323

Re: Matter Under Review 1230

Dear Mr. Thomas:

I hereby notify the Federal Election Commission ("Commission") in accordance with provisions of 11 C.F.R. §111.23 that William H. Schweitzer and Jan W. Baran of the law firm of Baker & Hostetler, 818 Connecticut Avenue, N.W., Washington, D.C., 20006, will represent me in Matter Under Review 1230. Their telephone number is 202-861-1500. I authorize them to receive all notifications and other communications from the Commission on my behalf.

Very truly yours,

  
Tom Hagedorn  
Member of Congress

TH:sp

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Congress of the United States

House of Representatives

Washington, D.C. 20515

OFFICIAL BUSINESS

Tom Hagedorn  
M.C.

Mr. Scott Thomas  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, D.C. 20463

RECEIVED

00 JUN 6 AM 11:50

BAKER & HOSTETLER

ATTORNEYS AT LAW

616 CONNECTICUT AVE., N.W.

WASHINGTON, D. C. 20004

(202) 661-1500

TELEX: 157640 BAKHOST

TELECOPIER: (202) 667-0010

IN CLEVELAND, OHIO  
1956 UNION COMMERCE BUILDING  
CLEVELAND, OHIO 44115  
(216) 621-0200  
TWX 610 421 8375

IN COLUMBUS, OHIO  
100 EAST BROAD STREET  
COLUMBUS, OHIO 43215  
(614) 228-1541

IN ORLANDO, FLORIDA  
850 CNA TOWER  
ORLANDO, FLORIDA 32802  
(305) 841-1111

May 29, 1980

WRITER'S DIRECT DIAL NO.:

(202) 661-1500

Mr. Scott E. Thomas  
Office of the General Counsel  
Federal Election Commission  
1325 K Street, N. W.  
Washington, D.C. 20463

Re: MUR 1230

Dear Mr. Thomas:

This office represents Congressman Tom Hagedorn with respect to Matter Under Review ("MUR") 1230. This letter is sent pursuant to a meeting which William H. Schweitzer, of this office, and I had with you and David S. Branch, Assistant General Counsel, Federal Election Commission ("FEC"). At our meeting, Mr. Schweitzer and I brought to your attention the fact that, contrary to the requirements of the Federal Election Campaign Act ("Act"), the complaint filed by Mr. Ulric Scott against our client in MUR 1230, was not sworn to by Mr. Scott.

The Act states that a "complaint shall be in writing, signed and sworn to by the person filing such complaint, shall be notarized, and shall be made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code" 2 U.S.C. §437g(a)(1) (Supp. III 1979). The FEC's regulations provide in pertinent part that "[t]he contents of the complaint shall be sworn to and signed in the presence of a notary public and shall be notarized." 11 C.F.R. §111.4(b)(2) (1980). Both the Act and FEC regulations demand that a complaint meet distinct technical requirements before the FEC may take any action. See 11 C.F.R. §111.5(b) (1980). The requirements that a complainant swear to the contents of his complaint is separate and distinct from the requirements that the complaint be notarized.

Mr. Scott E. Thomas  
May 29, 1980  
Page Two

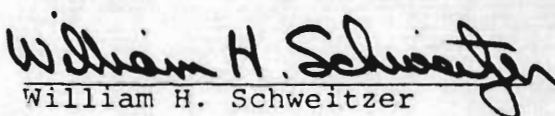
Mr. Scott's letter bears the seal and signature of a notary public. However, the notary certificate, or jurat, fails to indicate whether the letter was signed by Mr. Scott under oath. Furthermore, there is nothing in Mr. Scott's letter which expressly, or even implicitly, mentions whether Mr. Scott has sworn to his complaint.

The purposes of requiring sworn complaints are to impress upon complainants the seriousness of their action; to deter frivolous complaints; and to subject falsely swearing complainants to legal sanctions under the criminal perjury statutes and section 1001 of title 18, United States Code. Evidence of the complainant's oath should be apparent on the face of a complaint. In this regard, Mr. Scott's letter is void of any evidence that it has been sworn to. It is doubtful, furthermore, as to whether the Act's sanctions could be applied against Mr. Scott for any false statements which he may have made against our client in his letter. To permit FEC action on the basis of this technically insufficient complaint, therefore, would defeat a major purpose for the Act's insistence on a sworn complaint, and be contrary to section 437g(a)(1) and FEC regulations.

I respectfully request that the General Counsel, Charles N. Steele, notify Mr. Scott that his letter does not comply with the requirements of the Act nor with FEC regulations, that it does not constitute a valid complaint, and that no action shall be taken on the basis of his letter. 11 C.F.R. §111.5(b) (1980). Please notify this office of Mr. Steele's action with respect to this request.

Respectfully submitted,

  
\_\_\_\_\_  
Jan W. Baran

  
\_\_\_\_\_  
William H. Schweitzer

Counsel for Respondent  
Congressman Tom Hagedorn

3004021408



BAKER, HOSTETLER, FROST & TOWERS

818 CONNECTICUT AVE., N.W.

WASHINGTON, D.C. 20006

Mr. Scott E. Thomas  
Office of General Counsel  
Federal Election Commission  
1325 K Street, N.W.  
Washington, DC 20463

80040014084



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 2, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Tom Hagedorn  
440 Cannon House Office Building  
Washington, D.C. 20515

Re: MUR 1230

Dear Congressman Hagedorn:

This letter is to notify you that on December 19, 1979, the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). There was a delay in the transmittal of this complaint due to administrative inadvertence. However, that delay will not impinge upon the statutory time in which your Committee has to respond. A copy of this complaint is enclosed. We have numbered this matter MUR 1230. Please refer to this number in all future correspondence.

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

Please submit any factual or legal materials which you believe are relevant to the Commission'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 sending a letter of representation stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

30040214085

Page Two  
Letter to the Honorable Tom Hagedorn

If you have any questions, please contact Scott Thomas, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

*Charles N. Steele*  
Charles N. Steele  
General Counsel

Enclosures:

Complaint  
Procedures

PS Form 3811, Aug. 1978

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

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

2. **ARTICLE ADDRESSED TO:**  
*The Hon. Tom Hagedorn*  
*440 Cannon*  
*Wash, D.C. 20515*

3. **ARTICLE DESCRIPTION:**  
REGISTERED NO. \_\_\_\_\_ CERTIFIED NO. *944716* INSURED NO. \_\_\_\_\_  
1 (Always obtain signature of addressee or agent)

I have received the article described above.  
SIGNATURE ☐ Addressee ☒ Authorized agent  
*S. Conington*

4. **DATE OF DELIVERY** \_\_\_\_\_ **POSTMARK** \_\_\_\_\_

5. **ADDRESS** (Complete only if requested)  
*1111 1st St NW*

6. **UNABLE TO DELIVER BECAUSE** \_\_\_\_\_ **CLERK'S INITIALS** \_\_\_\_\_

RECEIVED  
06C 1230



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 2, 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Ulric Scott  
730 E. 38th Street  
Minneapolis, Minnesota 55407

Dear Mr. Scott:

This letter is to acknowledge receipt of your complaint of December 19, 1979, against the Friends of Tom Hagedorn which alleges violations of the Federal Election Campaign laws. There has been some delay in the processing of this complaint due to administrative inadvertence. A staff member has been assigned to analyze your allegations and will proceed as expeditiously as feasible in handling this matter. The respondent will be notified of this complaint within 5 days, and a recommendation to the Federal Election Commission as to how this matter should be initially handled will be made 15 days after the respondent's notification. You will be notified as soon as the Commission takes final action on your complaint.

Should you have or receive any additional information in this matter, please forward it to this office. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

A handwritten signature in dark ink, appearing to read "Charles N. Steele", is written over the typed name.

Charles N. Steele  
General Counsel

Enclosure

30040214087

PS Form 3811, Aug. 1978

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

<b>SENDER</b> Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.		
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered ..... <input type="checkbox"/> Show to whom, date, and address of delivery ..... <input type="checkbox"/> RESTRICTED DELIVERY Show to whom and date delivered ..... <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery ..... (CONSULT POSTMASTER FOR FEES)		
2. ARTICLE ADDRESSED TO: Mr. Ulric Scott 730 E. 38th Street Minneapolis, Minn. 55407		
3. ARTICLE DESCRIPTION: REGISTERED NO. CERTIFIED NO. INSURED NO. 944715		
(Always obtain signature of addressee or agent)		
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent J. Corvet		
DATE OF DELIVERY		
5. ADDRESS (Complete only if requested)		
6. UNABLE TO DELIVER BECAUSE:		CLERK'S INITIALS

☆ GPO: 1978-272-362

1230

Thomas





MINNESOTA  
**DEMOCRATIC  
FARMER LABOR  
PARTY**

730 East 38th Street, Minneapolis, Minnesota 55407 (612) 827-5421

ACCH 11904

mu 1230

Copy to Pinder 12-17  
Pinder to check  
2-1, 3-4, 4-9

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Rick Scott  
Chair  
Claire Rumpel  
Associate Chair  
Tom Mott  
Secretary  
David Lebdoft  
Treasurer

79 DEC 19 AM 11:55

**STATE CENTRAL COMMITTEE**

December 13, 1979

Federal Elections Commission  
1325 K Street N.W.  
Washington DC 20463

Re: Tom Hagedorn Violation

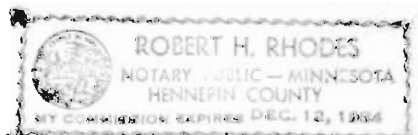
Enclosed is a copy of a letter sent by Tom Hagedorn, Member of Congress from Minnesota's Second Congressional District, to a constituent.

The letter solicits a contribution to a Hagedorn Volunteer Committee fundraiser without carrying either of the notices required on the face of such solicitations. Although the letter states it was not printed at government expense, it does not indicate who did authorize or pay for it. Nor does it include a notice that a copy of the authorizing group's report is on file and available for purchase.

In this instance, the omissions are intentional and serious because intentionally misleading. It is clear from the letter that Mr Hagedorn is putting the full weight of his Congressional Office behind the ticket purchase request. The letter starts with a counterfeit Congressional Office letterhead, even using his office return address. It works through a so-called "update to previous correspondence" into his pitch for tickets. In order to carry forward this charade of official correspondence, Mr. Hagedorn has printed his inadequate disclaimer in the smallest possible type. If he had included the notices required by law, the fact that this was a fundraising letter rather than official correspondence would have been obvious to the recipient. That is why I say the omissions are clearly intentional, and serious because they are intended to mislead the reader about the nature of the correspondence.

Mr Hagedorn, as a Member of Congress, certainly knows the requirements of law concerning solicitation letters. I realize that his unethical, misleading mixture of constituent reports with fund solicitations is not a matter for your committee. However, I do ask that you pursue the issues that are in your jurisdiction and punish him to the full extent of the law.

The letter included is only one example of a number brought to my attention. The wording of other letters was reported as similar, an "updating" letter followed by the ticket solicitation.



*Robert Rhodes*  
12/13/79

*Ulric Scott*

Ulric Scott  
730 E. 38th Street  
Minneapolis MN 55407  
612/827-5421



TOM HAGEDORN  
2ND DISTRICT, MINNESOTA

COMMITTEES:  
AGRICULTURE  
PUBLIC WORKS AND  
TRANSPORTATION

WASHINGTON OFFICE:  
440 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-2472

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

DISTRICT OFFICE:  
2040 MANKATO MALL  
MANKATO, MINNESOTA 56001  
(507) 257-8125  
211 SOUTH NEWTON STREET  
ALBERT LEA, MINNESOTA 56007  
(507) 277-1676  
GEORGE L. BERG, JR.  
ADMINISTRATIVE ASSISTANT

November 14, 1979

Ms. Barb Beebe  
1581 Sherwood Drive  
North Mankato, Minnesota 56001

Dear Ms. Beebe:

As an update to our previous correspondence, I want you to know that I voted on both July 11 and September 27 of this year against legislation which created a new Department of Education. Unfortunately, both the House and Senate, with the President's backing, passed legislation to enact this new government bureaucracy and the President signed the bill into law on October 17. I share your concerns that the Department of Education, with its 18,000 employees and \$14 billion annual budget, will create more unnecessary and unwarranted federal control over state and local education.

As always, I welcome the opportunity to hear from you on issues of importance to our state and nation. Your guidance and support is very much appreciated and I look forward to having the benefit of your views in the future. Since we share many of the same concerns as Americans, I believe you will be interested to know that former California Governor and Presidential contender Ronald Reagan will be in Mankato on November 29 for a dinner and reception on my behalf.

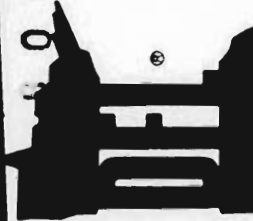
If you are interested in meeting with Governor Reagan or hearing what this outstanding political leader has to say about the future of our country, please contact my volunteer committee for tickets by writing to the Friends of Tom Hagedorn, P.O. Box 3205, Mankato, Minnesota, 56001.

With every good wish, I am

Sincerely yours,

*Tom Hagedorn*  
Tom Hagedorn  
Member of Congress

TH:jr



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MINNESOTA

**DEMOCRATIC  
FARMER LABOR  
PARTY**

730 East 38th Street  
Minneapolis, Minnesota 55407



**STATE CENTRAL COMMITTEE**

NOV 27 1973  
FEDERAL ELECTION COMMISSION

Violation Complaint  
Federal Election Commission  
1325 K Street N.W.  
Washington DC 20463



101



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF OUR # 1230

Date Filmed 10/1/80 Camera No. --- 2

Cameraman SPC