



FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF RUL # 2204

Date Filmed 1/16/87 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

5 Routing slips (5); 1 File index (5); 4 Staff initial of letter (5);
1 Assignment Sheet (5); 1 Complaint notification form (5);
1 objection sheet; 3 12 Day Reports + comments (2-5)
Commission copy of Complaint + 1st GC (2)

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

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input type="checkbox"/> (6) Personal privacy |
| <input checked="" type="checkbox"/> (2) Internal rules and practices | <input type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input checked="" type="checkbox"/> (5) Internal Documents | |

Signed

Patty Reilly

date

11/8/77

FEC 9-21-77

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 23, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Keane
56 Tanglewood
West Seneca, New York 14224

Re: MUR 2204

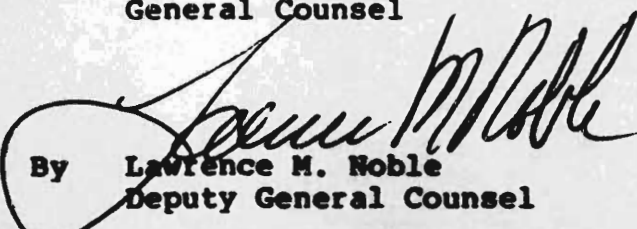
Dear Mr. Keane:

The Federal Election Commission reviewed the allegations of your complaint dated July 17, 1986, and on December 16, 1986, determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By 
Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

87040623910



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 23, 1986

Philip Van Dam, Esquire
Riecker, George, Hartley, Van Dam
& Camp, P.C.
414 Townsend Street
Midland, Michigan 48640

RE: MUR 2204
The Michigan Opportunity
Society

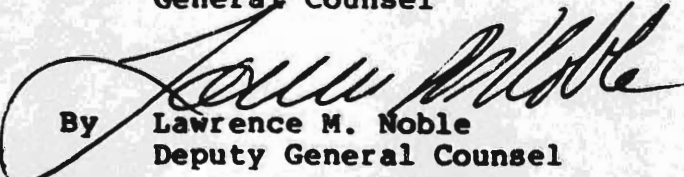
Dear Mr. Van Dam:

On July 25, 1986, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 16, 1986, determined that on the basis of the information in the complaint, and information provided by your client there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By 
Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

87040623911



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 23, 1986

James F. Schoener, Esquire
McGuiness & Williams
Suite 1200
1015 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 2204
Representative Jack Kemp

Dear Mr. Schoener:

On July 25, 1986, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on December 16, 1986, determined that on the basis of the information in the complaint, and information provided by your client there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By


Lawrence M. Noble
Deputy General Counsel

Enclosure

General Counsel's Report

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Congressman Jack Kemp) MUR 2204
Michigan Opportunity Society)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of December 16,
1986, do hereby certify that the Commission decided by a vote
of 5-1 to take the following actions in MUR 2204:

1. Find no reason to believe the Michigan
Opportunity Society violated 2 U.S.C.
§§ 433(a), 434(a), and 441a(a)(1)(A).
2. Find no reason to believe Congressman Jack
Kemp violated 2 U.S.C. §§ 432(e) and 441a(f).
3. Approve the letters attached to the General
Counsel's report dated December 8, 1986.
4. Close the file.

Commissioners Aikens, Elliott, Josefiak, McDonald, and
McGarry voted affirmatively; Commissioner Thomas dissented.

Attest:

12-17-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 2204
Congressman Jack Kemp)
Michigan Opportunity Society)

SENSITIVE

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RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Office of the General Counsel received a complaint from James P. Keane alleging that Congressman Jack Kemp ("the Congressman") is conducting illegal campaign financing activities through the Michigan Opportunity Society ("MOS"), a Michigan state organization. Specifically, the complaint alleges that MOS has qualified as a political committee, has failed to register and report as required by the Act and has failed to abide by the Act's contribution and spending limitations. Moreover, the complaint maintains that MOS has been "authorized" by the Congressman "to support his campaign for federal office."^{1/} Complaint at 2. Finally, the complaint apparently urges that because more than \$5,000 has been expended by MOS on behalf of the Congressman, the Congressman has become a candidate and funds raised and expended by MOS should be counted against Mr. Kemp's presidential spending limitations.

^{1/} The complaint does not specify for which federal office the Congressman allegedly is a candidate. Although the Congressman is registered as a candidate for the House of Representatives from New York, the attachments to the complaint discuss only the Congressman's possible election in the context of the 1988 presidential races. Thus, it appears that references in the complaint to a federal office sought by the Congressman are to his alleged bid for the Republican Presidential nomination.

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In support of these allegations the complaint attaches seven documents said to evidence "MOS's consistent and repeated statements and activities specifically promoting the candidacy of Mr. Kemp for federal office." Complaint at 3. In addition to the specific allegations noted above, these attachments raise the question whether MOS has qualified as a political committee under the Act, and if so, whether its expenditures on behalf of the Congressman have qualified him as a candidate within the meaning of the Act.

II. THE FACTS

The seven documents attached to the complaint are summarized briefly below. Attachment One is a memorandum dated October 1, 1985, directed towards "Fellow Republican Legislators" from state senator Dick Posthumus, who the complaint identifies as the co-chairman of MOS. The memorandum is not written on MOS stationery. The subject of the memorandum is "Congressman Jack Kemp," and it states "preparations are already on their way for the 1988 presidential race." The memo states that because delegate selection begins next spring it "forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years." The memo also states that "I have joined with many other Republicans in Michigan to urge Congressman Jack Kemp to run for President in 1988. I am asking you to join with me in urging Jack Kemp to run; and if he does, support his efforts in Michigan and nationally." The memorandum notes as attachments "several recent news clippings with regard to Jack's efforts in Michigan and elsewhere."

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The second document is a letter dated November 12, 1985, also written by state senator Posthumus. It states "Clark Durant [named in the complaint as treasurer of MOS] and I have started recruiting supporters of Congressman Jack Kemp throughout our state." The letter further requests assistance in identifying persons either "interested in helping Jack Kemp" or who would like additional information. The letter notes enclosures of a summary of the delegate selection process and a biography of the Congressman.

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The complaint also includes at Attachment Three a press release dated September 18, 1985 from Senator Posthumus and W. Clark Durant. It states that these two individuals are "leading advocates for a Jack Kemp for President movement" and announces that seven of Michigan's 18 Republican district chairs are joining them in urging Congressman Kemp to run in 1988 and pledging their support. This release notes that the Congressman will be a speaker at the Michigan GOP leadership conference where Michigan strategies for 1985 were to be discussed, and "[also] we are hopeful that Congressman Kemp can be persuaded at the earliest possible date to run for President, which will be our top priority for 1988." The release makes further references to the "Draft Kemp" movement.

Two enclosures are included in Attachment Four. The first is a sample of a mass mailing on MOS letterhead. The April 10, 1986 mailer invites "Friend[s]" to attend a private reception with "CONGRESSMAN JACK KEMP" at a home of a state representative.

The two-fold purpose of this gathering is to permit "supporters to personally meet the Congressman. The second is to complete our gathering of precinct delegates to support the Congressman in 1988." This invitation also notes that delegate petitions, precinct maps, and instructions on the role and responsibilities of being a precinct delegate will be distributed at this meeting. The invitation is signed by Karen L. Tubbs, as "Kemp Chair. Washtenaw Co."

The second enclosure contained in Attachment Four is a confusing and apparently unofficial transcript of the MacNeil-Lehrer report with a woman alleged to be associated with MOS inquiring by telephone whether persons would be interested in promoting Kemp for president in 1988. MOS is not mentioned in the transcript.

Attachment Five encloses a March 24, 1986 letter signed by the Congressman on the Congressman's letterhead and directed to "Michigan Republican[s]." The letter details the Congressman's planned appearances at several locations in Michigan on April 5th "to talk about grass roots involvement, and the vision and future of the Republican Party." The letter instructs recipients that they may call MOS for further information regarding two of the scheduled events. The letter notes that many important races are "on the line" in Michigan in 1986, and urges people to become precinct delegates to help the Republican Party to victory "now and in the future."

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Finally, Attachment Six is a message on a postcard signed by the Congressman and directed to "Kent County Republican[s]." It states the Congressman will be in Grand Rapids on April 26, and details the Congressman's appearance with Senator Posthumus to "participate in the Michigan Opportunity Society - Kent County Republican Rally. . ." The postcard urges recipients to attend to reinforce the strength of Republicans in the county.

In addition to these attachments, the complaint further alleges that "despite the highly publicized pro-Kemp statements of MOS leaders, Mr. Kemp has never disavowed their activities." Rather, the complaint maintains that MOS schedules and publicizes the Congressman's visits to the state, that the Congressman refers persons interested in obtaining his Michigan schedule to MOS, and that the Congressman has solicited participation of Michigan Republicans in MOS activities. Complaint at 6.

III. THE RESPONSES

A. Congressman Kemp

The Congressman's two responses to the complaint deny any violations of the Act. The Congressman's first response states that he is not involved in MOS's activities, but believes such activities are permissible pursuant to FEC v. Machinists Non-Partisan League, 655 F.2d 380 (D.C. Cir. 1981).^{2/} The

^{2/} MNPL, a subpoena enforcement action, involved the Commission's attempts to subpoena documents from draft committees. Respondent's counsel apparently argues that MOS is such a draft committee.

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response states the Congressman is a candidate only for the United States House of Representatives from the State of New York, and that no authorization has been given to any organization promoting his possible presidential bid. Moreover, the Congressman is said to routinely disavow organizations using his name. Finally, the response asserts that the Congressman's activities in Michigan are restricted to the sort of party building activities said to have been authorized by the Commission in Advisory Opinion 1986-6, and that any references to the Congressman's possible presidential candidacy while conducting such party-building activities were "incidental". See Response at 2-4.

This response also specifically addresses the attachments to the complaint, stating Attachments One, Two, and Three are composed of correspondence and a press release of a group not authorized by the Congressman. Attachment Four is said to be a publication of a group involved in the delegate selection process. Attachments Five and Six are acknowledged to have been sent out under the Congressman's name, but are said to encompass party building activities and support of local candidates. Respondent asserts that these activities are permissible pursuant to the Commission's determination in A.O. 1986-6.^{3/}

^{3/} A second response submitted on behalf of the Congressman argues that the decision by the District of Columbia Circuit Court in Orlowski v. FEC should control this matter. In Orlowski the court adopted a "bright line test" to determine whether an event was a political event for which expenditures must be subject to the Act's prohibitions and limitations. (Footnote continued on next page)

B. The Michigan Opportunity Society

MOS's response denies the allegations in the complaint.^{4/} MOS states that, to its knowledge, the only office that the Congressman is running for is the House of Representatives. Furthermore, MOS states it is neither Congressman Kemp's principal campaign committee nor any other type of federal political committee. MOS states it was formed to recruit individuals as precinct delegates, and as such, is not required to register with either the state of Michigan or the Commission.

MOS addresses the attachments to the complaint, stating that Attachments One and Two "are clearly the personal sentiments of a Michigan State Senator" and were not authorized by MOS. Response at 2. Respondent notes that MOS is not specifically named in either Attachments One and Two.

Additionally, MOS states the press release at Attachment Three contains the personal views of Senator Posthumus and Clark Durant. Respondent further asserts that this release was not

^{3/}(cont'd) Respondent apparently argues such a test should be used in determining whether the Congressman's activities in Michigan were similarly non-political events. Because the Commission's Advisory Opinions 1985-40 and 1986-6 (discussed infra at Section IV) indicate that the activity involved here is permissible, it is unnecessary reach the issue whether the Orlowski standard applies here.

^{4/} Both respondents assert that the Commission's Regulations for filing a proper complaint have not been met. These statements appear to be without foundation because the complaint is signed and sworn to. Moreover, the complaint's newspaper attachments meet the standards of the Commission's Directive Six.

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issued by MOS, and that MOS had not even been established at the time of the release.

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MOS denies authorizing the April 10, 1986 letter printed on MOS stationery signed by Karen L. Tubbs that solicits precinct delegates for the Congressman. The response states that Ms. Tubbs apparently appointed herself as a "Kemp chair", because MOS does not make such appointments. In support of MOS's disavowal of the Tubbs' letter, the response offers an unsigned copy of a letter dated May 15, 1986 from Clark Durant to Mr. Tubbs (the spouse of Karen L. Tubbs). The Durant letter states that if Mr. or Mrs. Tubbs sent a letter recruiting precinct delegates for Congressman Kemp, such an action "was totally improper," because MOS is "not in the business of promoting any one individual but rather a set of ideas." The letter further asserts that "[t]here is no Kemp campaign for the presidency since he has not even announced that he intends to seek that Office. Our job is a simple one. If we like the ideas that Ronald Reagan and so many others have been talking about, we must build at the local level with good precinct delegates committed to Reagan's ideas."

Finally, MOS's response challenges the complainant's use of the transcript from the MacNeil-Lehrer Report. MOS admits that Ms. DaLoof [the apparent speaker] eventually become involved with MOS's delegate recruitment, but that "as far as . . . can be determine[d]," this individual was not a member of MOS on the date of the filming. MOS notes the transcript identifies Ms. DaLoof as placing her call from Republican Party headquarters and

MOS's response is silent regarding the two letters from Congressman Kemp to Michigan voters.

The Act defines a political committee as a committee, club, association, or other group of persons receiving contributions or making expenditures exceeding \$1,000 during a calendar year.

IV. PRIOR COMMISSION ACTIONS REGARDING ACTIVITIES IN THE MICHIGAN DELEGATE SELECTION PROCESS

The Commission addressed activities regarding Michigan delegate selection in A.O.s 1985-40 ("Baker A.O.") and 1986-6 ("Bush A.O."). The Baker A.O. presented the question whether the Republican Majority Fund ("RMF") (a multicandidate committee with a special relationship with former United States Senator Howard Baker) and Mr. Baker's testing the waters fund ("the Fund"),

could make certain expenditures without qualifying Mr. Baker as a candidate under the Act. The Commission determined that a number of expenditures made by these entities would not be counted towards Mr. Baker's \$5,000 qualifying limit. Among these permitted expenditures were RMF expenditures for Mr. Baker's travel expenses to "cattle calls" provided "Mr. Baker's activities at such events do not indicate that he has decided to become a candidate for the 1988 Republican presidential nomination or in conducting a campaign for such nomination."

Baker A.O. at 11,232. Similarly, RMF was permitted to make testing the water expenditures for hospitality costs, travel for Mr. Baker's representatives and travel by Mr. Baker to private meetings. RMF could organize steering committees in various states and these steering committees could encourage the candidacy of Mr. Baker, consult with RMF regarding contributions, and could be formed with the understanding that they would not support any other candidate for the presidential nomination. The above expenditures would become contributions should Mr. Baker become a candidate. Underlying the Commission's determination that these expenditures would not count towards Mr. Baker's \$5,000 qualifying limit was the statement in the Advisory Opinion Request ("AOR") that Mr. Baker was not a candidate, and the Fund was formed solely for the purpose of determining whether he should become a candidate for the 1988 Republican presidential nomination.

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The Bush A.O. presented the issue whether a multicandidate committee ("FAF") with which the Vice President has a special relationship may make expenditures for: 1) appearances by the Vice President on behalf of Republican candidates; 2) references to the Vice President in FAF publications; 3) establishment of steering committees; 4) programs for organizing Republican candidates; and 5) recruitment and assistance to persons seeking election to party offices, particularly with regard to the Michigan precinct delegates election in August, 1986; without triggering the Vice President's candidate status. The Commission's determinations in the Bush A.O. are presented at length below.

The Fund asked whether expenditures could be made for the Vice President's appearances at events for Republican candidates and the Republican Party. The Commission concluded that expenditures for such appearances need not be allocated to the potential candidacy of the Vice President. The Commission premised this conclusion on remarks in the AOR that only incidental contacts and incidental remarks would be made regarding the Vice President's possible candidacy (thus excluding public statements regarding potential candidates for president in 1988). The Commission interpreted the AOR to mean that appearances by the Vice President would not involve activities on behalf of a potential candidacy such as soliciting funds, holding meetings regarding potential candidacy or formation of a campaign organization, or distributing materials relating to such a

candidacy. Further, the Commission interpreted the AOR to refer "only to the Vice President's appearances on behalf of Republican candidates or party building activities, "rather than appearances primarily related to the presidential nomination process, such as the delegate selection process." Bush A.O. at 11,254.

The Commission also determined that FAF could issue publications seeking potential contributors without requiring allocation to the Vice President's potential candidacy. The Commission assumed that such publications would neither refer to the possible candidacy of the Vice President in 1988, nor solicit funds for such a candidacy. FAF could, however, merely note the Vice President's association with that committee.

Further, the Commission permitted FAF to establish steering committees, assuming such steering committees' activities would be related to Republican party and candidate activities, and not to activities relating to the "formation of a campaign organization on the Vice President's behalf or participation in presidential nomination process, such as the delegate selection process on his behalf." Id. at 11,256.

The opinion also allowed FAF to make expenditures to conduct volunteer programs outside of Washington, D.C. to aid the Republican Party and party, local, state and federal candidates in 1986. It was assumed such activity was not to benefit any potential candidacy of the Vice President in 1988, "such as the formation of a campaign organization on the Vice President's behalf or participation in presidential nomination process, such as the delegate selection process. . . ." Id.

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Finally, the Commission addressed FAF's proposed plans to aid individuals seeking election in the August 1986 Republican primary election in Michigan as precinct delegates and permitted FAF both to encourage individuals to run for precinct delegate positions and to distribute information regarding election to such positions. Moreover, FAF could contribute to individuals seeking delegate positions. The Commission determined that FAF's proposed activity in aiding precinct delegates "does not, of itself" constitute contributions or expenditures for the purpose of influencing the Vice President's or any candidate's nomination or election to federal office " Id. at 11,258. The A.O. noted, however, "that activity in conjunction with the aiding of precinct delegates that goes beyond that described in your request, such as the soliciting of support for Vice President Bush's candidacy or potential candidacy for president, or any other campaign activity on behalf of a clearly identified presidential candidate, could warrant a different conclusion by the Commission." Id.

V. APPLICATION OF THE LAW TO THE FACTS

These Advisory Opinions make clear that the Commission has concluded that, where a candidate denies any connection with political activity allegedly touting his potential candidacy, or disavows a committee using his name (See 11 C.F.R. §§ 100.3(a)(3) and 102.13(a)(2)), absent a clear showing of solicitation on behalf of a candidate or campaign activity on his behalf, the Commission will not investigate allegations that the candidate

is, in fact, either testing the waters or starting a campaign. Cf. FEC v. Machinists Non-Partisan Political League, 655 F.2d 380 (D.C. Cir.) (1981); see MUR 1038 (Commission found reason to believe Senator Kennedy was a presidential candidate despite a disavowal). In light of those precedents, the Office of the General Counsel is of the opinion that there is insufficient evidence to warrant the conclusion that any sort of the overt activity on behalf of a candidate required by the Commission in such instances, has been conducted by MOS. In general, the activity alleged in the complaint appears to be, at most, the same kind of party and delegate selection activity connected with a potential candidate's political action committee that prevailed in the Baker and Bush A.O.s. We discuss the insufficiency of evidence supporting allegations in the complaint below.

First, the responses to the complaint state that Senator Posthumas and W. Clark Durant have been involved in urging Congressman Kemp to become a presidential candidate, but have done so in their personal capacities and not behalf of MOS. Although the complaint alleges MOS is connected with these activities, no evidence has been presented that MOS conducts or directs such individuals in their support of the Congressman. Furthermore, it appears that some of their efforts occurred even before the establishment of MOS.

Next, the television transcript from the MacNeil Lehrer Report is not an official transcript. Moreover, it does not name MOS as the group seeking Kemp delegates. Additionally, MOS has

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stated that the individual making these calls did so from the Republican Party Headquarters and did so prior to her association with MOS. Therefore, there does not appear to be any evidence of a connection between this activity and MOS.

Third, although the "Tubbs invitation" was circulated on MOS stationery, the response from MOS indicates the invitation was not authorized by MOS. According to the MOS response, MOS was unaware of the Tubbs' letter until a third party told MOS officials about it, at which time MOS immediately contacted the Tubbs and told them the letter was unauthorized and MOS was not supporting a Kemp presidential candidacy. The evidence appears to support this claim. The Tubbs' invitation was dated April 10, 1986. The MOS letter of admonition to Tubbs was dated May 15, 1986, a short time after the invitation was sent and several months before the complaint in this matter was filed. Although there is some question as to why Ms. Tubbs felt she was authorized to send the invitation, in light of MOS's disavowal of the activity and the lack of any evidence that the meeting was actually for the purpose of gathering Kemp delegates, there does not appear to be sufficient evidence to support a reason to believe finding regarding the Tubbs' letter.

Finally, the complaint raises allegations that MOS schedules and publicizes the Congressman's visits to Michigan and that these activities are in connection with his bid for the presidency. The Congressman's response indicates that he did appear in Michigan, but only for party building activities.

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Because no evidence has been presented that these trips and publicity are for presidential activities, there is insufficient evidence upon which to rest a reason to believe finding.

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In light of the forgoing, this Office recommends that the Commission find no reason to believe that the Michigan Opportunity Society violated 2 U.S.C. §§ 433(a) and 434(a) by failing to register and report, as well as find no reason to believe MOS violated 2 U.S.C. § 441a(a)(1)(A) by making excessive contributions. Additionally, because no evidence has been presented that MOS made any contributions to the Congressman, there appears to be no reason to believe the Congressman accepted excessive contributions or became a candidate and failed to designate a political committee to serve as his principal campaign committee within 15 days of becoming a candidate pursuant to 2 U.S.C. § 432(e). Accordingly, this Office recommends that the Commission find no reason to believe Congressman Jack Kemp violated 2 U.S.C. §§ 432(e) and 441a(f).

RECOMMENDATIONS

1. Find no reason to believe the Michigan Opportunity Society violated 2 U.S.C. §§ 433(a), 434(a), and 441a(a)(1)(A).
2. Find no reason to believe Congressman Jack Kemp violated 2 U.S.C. §§ 432(e) and 441a(f).

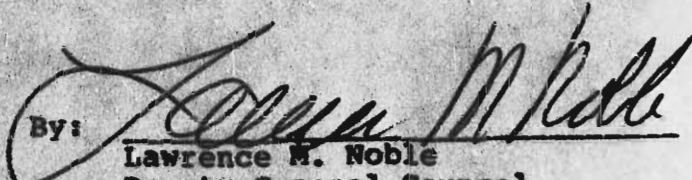
3. Approve the attached letters.
4. Close the file in this matter.

Charles N. Steele
General Counsel

Date

12/8/86

By:


Lawrence M. Noble
Deputy General Counsel

Attachments

1. Kemp Response (1)
2. Kemp Response (2)
3. MOS Response
4. Proposed Letters (3)

87040523930

Before the
Federal Election Commission

In the matter of

NUR 2204

Complaint of James P. Keane

Answer on Behalf of of Congressman Jack Kemp

In answer to the complaint filed by Congressman Kemp's
opponent in the 31st Congressional District Contest for
Representative in Congress State of New York, it is submitted as
follows:

1. Those defects and deficiencies in the form and content
of the complaint for failure to conform to the requirements of 11
C.F.R. §111.4(b)(c) and (d) are specifically reserved.

2. The matters alleged concerning Fund for American
Renaissance (FFAR) are irrelevant to the matters complained of by
Mr. Keane.

A. No benefits, direct or indirect, are passed
from FFAR to the principal campaign committee
of Congressman Kemp, Citizens for Jack Kemp
(CJK).

ATTACHMENT # (1)

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B. FFAR is not, nor has Congressman Kemp or his committee been made a party to the lawsuit referred to by complainant.

3. The matters alleged by complainant regarding Michigan Opportunity Society (MOS) are incorrect and the conclusions drawn are unwarranted.

A. As to allegations regarding MOS, Congressman Kemp has no specific knowledge of their activities, but believe such activities shown on the attachments to be legal and proper in light of FEC v. Machinists Non-Partisan League 655 F.2d 380, cert den. 102 S. Ct. 397.

B. Specifically, Congressman Kemp denies that he is a candidate for any office other than re-election as United States Representative from the State of New York (31st C.D.).

C. That as to any organization (including MOS) asserting an interest in his candidacy for presidential office, no official authorization for such activity has been sought nor given.

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D. That as to any organizations called to Congressman Kemp's attention which has used his name in the title of its organization, such organization has been notified to cease the use of Congressman Kemp's name; copies of such correspondence are available from the undersigned on request of the general counsel.

E. Insofar as Congressman Kemp's activities undertaken in the State of Michigan, those actions have been restricted to party development and support of federal, state and local candidates as authorized in A.O. 1986-6; (March 16, 1986).

4. In the complaint a reference is made to a letter and a post card sent in Congressman Kemp's name. See attachments 5 and 6. It is submitted that the activities described therein are clearly party building activities and campaign efforts on behalf of local candidates.

A. Those activities have been approved in AO 1986-6 (page 6) where it is declared that such activities need not be allocated in the event that a later decision is made to become a national candidate.

B. Those activities as cited in the complaint are not directed toward the Congressman's candidacy in the New York Congressional election so no affiliation issue or in-kind contribution arises.

C. References, if any, to any potential future candidacy for national office at such meetings were "incidental" or "in response to questions by the public or press." This was also specifically approved in AO 1986-6 at page 6.

D. Regarding that part of the complaint that referred to the Michigan precinct delegate process, it is submitted that the Commission has specifically addressed the unique Michigan situation in AO 1986-6 at page 11 and 12.

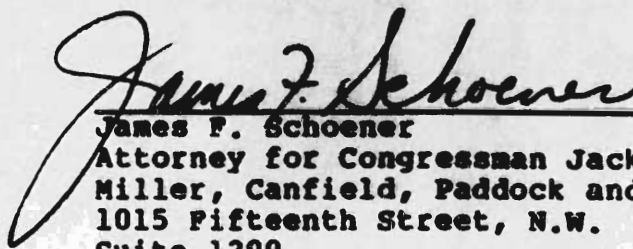
5. Commenting specifically on the other attachments to the complaint:

A. Attachment 1 is clearly an organization not authorized by Congressman Kemp.

- B. Attachment 2 is another correspondence of a group not authorized by Congressman Kemp.
- C. Attachment 3 is a press release by the group.
- D. Attachment 4 is publication by the organization involved in precinct delegate selection; see comments above in 3D.

Wherefore it is submitted that this matter be dismissed forthwith.

Respectfully submitted,



James F. Schoener
Attorney for Congressman Jack Kemp
Miller, Canfield, Paddock and Stone
1015 Fifteenth Street, N.W.
Suite 1200
Washington, D.C. 20005
202-789-8640

Dated at Washington, D.C.
15 August 1986

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LAW OFFICES
MCGUINNESS & WILLIAMS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
SUITE 1200
1015 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005

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JAMES F. SCHOENER
202 789-8844

202 789-8800

August 25, 1986

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Get it
sent

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR

Dear Mr. Steele:

I recently filed a response in the above numbered MUR on behalf of Congressman Jack Kemp. I had not at that time reviewed the most recent court decision concerning construction of the Act. I refer to Orloski v. Federal Election Commission, (D.C. Cir., 1986) CCH 99238. While I recognize the differences, I believe the factual situation in the Orloski case does parallel the actions of Congressman Kemp in the events in Michigan complained of by his opponent.

The Michigan events were not sponsored by any Kemp organization, there was no communication expressly advocating the nomination or election of Congressman Kemp (in any event at which he was present), there was not any solicitation of campaign contributions and Congressman Kemp appeared in his capacity as a Member of Congress to discuss congressional matters. In several events, Congressman Kemp did engage in campaigning for other candidates or party building appearances, but no candidacy for the Congressman was involved.

I believe that based on the "bright-line" test suggested by the Court, the Keane complaint should be dismissed.

Very truly yours,

James F. Schoener
James F. Schoener

bab

ATTACHMENT #2(1)

870405239336

RIECKER, GEORGE, HARTLEY, VAN DAM & CAMP, P. C.

ATTORNEYS AND COUNSELORS AT LAW

JOHN E. RIECKER*
BARRY S. GEORGE
RICHARD S. HARTLEY**
PHILIP VAN DAM
DAVID L. CAMP*

OF COUNSEL
CALVIN A. CAMPBELL
MERTON S. LILLY
(LICENSED PATENT ATTORNEY)

***ALSO ADMITTED TO CALIFORNIA BAR**
****ALSO ADMITTED TO FLORIDA BAR**

TELEPHONE (412) 517-1028

66 SEP 3 4:35

414 TOWNSEND STREET

P. O. DRAWER 632

INDIANAPOLIS, INDIANA 46240

August 28, 1986

Ms. Patty Reilly
Staff Attorney
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR2204

Dear Ms. Reilly:

This letter is in response to the complaint of James P. Keane, 56 Tanglewood, West Seneca, New York, candidate for Congress from the 31st Congressional District of the State of New York.

The Michigan Opportunity Society and Mr. W. Clark Durant, III, object to the manner and nature of the complaint referred to above and deny all allocations made therein, although the specific nature of the allocations are quite ambiguous. It must first, however, be stated that the Michigan Opportunity Society has no connection whatsoever with the Fund for American Renaissance and, accordingly, no further reference will be made to it. It must also be stated that the Michigan Opportunity Society has no connection with Congressman Jack Kemp's "... campaign for federal office." (see page 2 of Mr. Keane's complaint), whatever "federal office" it is that Mr. Keane is referring to.

The complete failure of Mr. Keane's complaint to measure up to the requirements of 11 Code of Federal Regulations Section 111.4(b), (c), and (d) is also noted. While the complaint appears to have been notarized, it does not appear to be in the form of a sworn statement. Furthermore, the complaint is, as stated, ambiguous; it does not differentiate between statements based upon Mr. Keane's personal knowledge and those statements based upon Mr. Keane's information and belief; the complaint fails to identify any source or sources used to form the bases of the complaint -- except for news media -- and does not contain a clear and concise statement of facts which describe a violation of the Federal Election Campaign Financing Act. The complaint, in fact,

ATTACHMENT #3(1)

87040523937

26 SEP 3 4:02

GENERAL COUNCIL

August 28, 1986

does not describe any violation of the Federal Election Campaign Financing Act as regards the Michigan Opportunity Society or Mr. Durant. Accordingly, and to the extent permissible, we reserve all rights arising out of the complaint's failure to conform with 11 Code of Federal Regulations Section 111.4(b), (c), and (d).

Mr. W. Clark Durant, III, and the Michigan Opportunity Society deny that they "... have violated federal election laws which require all political committees supporting candidates for federal office to register with the Commission and to comply with its contribution and spending limitations and disclosure requirements." (see page 2, Keane complaint.)

The only "federal office" that Mr. Kemp has announced for, as far as Mr. Durant or the Michigan Opportunity Society is aware of, is that of Congressman. The Michigan Opportunity Society wishes Mr. Kemp well but is not the principal campaign committee in that effort and is not involved in that campaign in any way. The Michigan Opportunity Society has certainly "... not been authorized by Mr. Kemp to support his campaign for federal office." (page 2, Keane complaint). Furthermore, the Michigan Opportunity Society is not an independent committee supporting that effort.

The Michigan Opportunity Society was formed to recruit individuals to become precinct delegate candidates in the recent August primary election in Michigan. While the Michigan Opportunity Society has expended some funds to help elect individuals to those positions, its activities have been consistent with those authorized in Advisory Opinion 1986 -- 6, March 16, 1986. For that same reason, Mr. Keane's attachments 5 and 6, of his complaint, are believed to be the type of activities approved in the aforementioned Advisory Opinion.

Inasmuch as the Michigan Opportunity Society is not a multi-candidate committee, or any other type of committee required to register under the Federal Election Campaign Financing Act, it has not done so. Because of its specific objectives and the fact that precinct delegates are not candidates for elective office under Michigan Law, the Michigan Opportunity Society is not required to register under the Michigan election code and has not done so.

As to the other attachments submitted by Mr. Keane: attachments 1 and 2 are clearly the personal sentiments of a Michigan State Senator. While that particular Senator apparently believes that Mr. Kemp would make an excellent presidential candidate, statements made by the Senator are his own used and were not authorized by the Michigan Opportunity Society. The Senator's personal preferences regarding presidential candidates must be

August 28, 1986

answered by the Senator. It is of interest to note, however, that neither of the aforementioned attachments make any reference to the Michigan Opportunity Society.

Attachment 3 is a press release issued by Mr. Durant and Senator Posthumus indicating that they and others are interested in seeing Mr. Kemp become a presidential candidate. This press release contains the personal views of Mr. Durant and Senator Posthumus and was not a release issued by the Michigan Opportunity Society. In fact, the Michigan Opportunity Society had not even been established on the date of the press release.

Attachment 4: the attached letter from Mr. Durant to Mr. Richard Tubbs is perhaps the best response and explanation available. It should be remembered that the letter drafted by Mrs. Tubbs was not authorized by the Michigan Opportunity Society or by Mr. Durant; the Michigan Opportunity Society did not appoint and does not appoint "Kemp chair"(s) and is not authorized to do so. Karen L. Tubbs was apparently a self appointed "Kemp chair", but it is not clear of what she was the "Kemp chair" of. The Michigan Opportunity Society does not appoint "Kemp chair" (s). As stated earlier, the Michigan Opportunity Society is not aware that Mr. Kemp has announced his rumored presidential candidacy and he is certainly not a candidate for federal office in Michigan.

To comment on a transcript from a news program would seem to be somewhat unjust. While it is true that Ms. Rose Daloof eventually became associated with the Michigan Opportunity Society and was asked to help recruit republican precinct delegate candidates, Ms. Daloof was not associated with Michigan Opportunity Society, as far as we can determine, on or before April 8, 1986. Furthermore, the transcript clearly states that Ms. Daloof was calling from a Republican Party headquarters; the transcript does not mention the Michigan Opportunity Society, and it is not known to what extent, if any, Ms. Daloof's statements were edited by the MacNeil-Lehrer staff. Finally, the Michigan Opportunity Society has no editorial responsibility for the MacNeil-Lehrer News Hour and is certainly not responsible for conclusions drawn by that staff.

In summary, the Michigan Opportunity Society was established to engage in Republican Party building activity in Michigan and through the recruitment of individuals interested in becoming republican party precinct delegates, help build up the party structure. Undoubtedly, some persons associated with the Michigan Opportunity Society do support Mr. Kemp's rumored interest in becoming a presidential candidate. However, others associated with and active in the Michigan Opportunity Society support other potential presidential candidates. The individual preferences of those who wish to associate themselves with the Michigan

Ms. Patty Reilly

- 4 -

August 28, 1986

Opportunity Society as regards presidential candidates is not a matter that the Michigan Opportunity Society inquires into and is certainly not a requirement for membership in the Michigan Opportunity Society.

Individuals encouraged to become precinct delegates by the Michigan Opportunity Society may very well become delegates to a national presidential nominating convention. However, at this juncture, such a possibility is merely speculative. If such persons actually become national delegates, the Michigan Opportunity Society would not be involved with them in that process. It should be noted that individuals who may wish to be delegates to the National Republican Convention from Michigan in 1988 did not have to be elected to the precinct delegate position in 1986. It should also be noted that individuals who sought election as precinct delegates in the Michigan Primary in 1986 were not identified on the ballot as supporting or committed to any potential presidential candidate nor was such commitment or support a requirement for seeking the position.

I do hope the above answer responds to Mr. Keane's complaint. It is hoped that the complaint will be dismissed. If additional information is needed, please do not hesitate to call.

Sincerely,

RIECKER, GEORGE, HARTLEY, VAN DAM & CAMP, P.C.


Philip Van Dam

dkk

Enclosures

May 15, 1986

Mr. Richard Tubbs
2356 Twin Lakes Road
Ypsilanti, MI 48197

Dear Richard:

George Weeks of the Detroit News, called me last week and told me that a letter had gone out under your name (or it may have been your wife's name) recruiting precinct delegates for Jack Kemp for 1988. Mr. Weeks told me that the letter was on MOS stationery and signed by you, or your wife, as the Washtenaw County Kemp Chairman.

First, if such a letter was sent, it was totally improper. MOS is recruiting precinct delegates committed to the Opportunity Society ideas as articulated by Reagan, Kemp, Gingrich, Weber and others. We are not in the business of promoting any one individual, but rather a set of ideas. As you know, precinct delegates are important for providing grassroots support for the Opportunity Society vision at the grassroots level. In the end we want people who will be good Republican precinct delegates committed to that vision.

There is no Kemp campaign for the Presidency since he has not even announced that he intends to seek that office. Our job is a simple one. If we like the ideas that Ronald Reagan and so many others have been talking about, we must build at the local level with good precinct delegates committed to Reagan's ideas.

.../2

Mr. Richard Tubbs

May 15, 1986

Richard, I have not seen a copy of the letter I refer to, but I base my comments on what George Weeks read to me. If I am incorrect, let me know.

Yours sincerely,

W. Clark Durant, III

WCD3/ma

87040523942



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Philip Van Dam, Esquire
Riecker, George, Hartley, Van Dam
& Camp, P.C.
414 Townsend Street
Midland, Michigan 48640

RE: MUR 2204
The Michigan Opportunity
Society

Dear Mr. Van Dam:

On July 25, 1986, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1986, determined that on the basis of the information in the complaint, and information provided by your client there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

ATTACHMENT #411)

87040523943



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James P. Keane
56 Tanglewood
West Seneca, New York 14224

Re: MUR 2204

Dear Mr. Keane:

The Federal Election Commission reviewed the allegations of your complaint dated July 17, 1986, and on , 1986, determined that on the basis of the information provided in your complaint and information provided by the Respondents there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Charles N. Steele
General Counsel

By Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

87040523944



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

James F. Schoener, Esquire
McGuinness & Williams
Suite 1200
1015 Fifteenth Street, N.W.
Washington, D.C. 20005

RE: MUR 2204
Representative Jack Kemp

Dear Mr. Schoener:

On July 25, 1986, the Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1986, determined that on the basis of the information in the complaint, and information provided by your client there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Lawrence M. Noble
Deputy General Counsel

Enclosure

General Counsel's Report

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TELEPHONE (AC 517) 631-1025

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RIECKER, GEORGE, HARTLEY, VAN DAM & CAMP, P.C.

ATTORNEYS AND COUNSELORS AT LAW

JOHN E. RIECKER*
BARRY S. GEORGE
RICHARD O. HARTLEY**
PHILIP VAN DAM
DAVID L. CAMP*

OF COUNSEL
CALVIN A. CAMPBELL
MERTON B. LILLY
(LICENSED PATENT ATTORNEY)
*ALSO ADMITTED TO CALIFORNIA BAR
**ALSO ADMITTED TO FLORIDA BAR

414 TOWNSEND STREET
P. O. DRAWER 632
MIDLAND, MICHIGAN 48640

August 28, 1986

Ms. Patty Reilly
Staff Attorney
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR2204

Dear Ms. Reilly:

This letter is in response to the complaint of James P. Keane, 56 Tanglewood, West Seneca, New York, candidate for Congress from the 31st Congressional District of the State of New York.

The Michigan Opportunity Society and Mr. W. Clark Durant, III, object to the manner and nature of the complaint referred to above and deny all allocations made therein, although the specific nature of the allocations are quite ambiguous. It must first, however, be stated that the Michigan Opportunity Society has no connection whatsoever with the Fund for American Renaissance and, accordingly, no further reference will be made to it. It must also be stated that the Michigan Opportunity Society has no connection with Congressman Jack Kemp's "... campaign for federal office." (see page 2 of Mr. Keane's complaint), whatever "federal office" it is that Mr. Keane is referring to.

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86 SEP 3 14:02

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OFFICE OF THE
GENERAL COUNSEL

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August 28, 1986

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August 28, 1986

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Ms. Patty Reilly

- 4 -

August 28, 1986

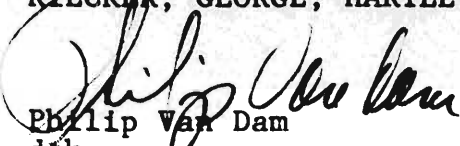
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I do hope the above answer responds to Mr. Keane's complaint. It is hoped that the complaint will be dismissed. If additional information is needed, please do not hesitate to call.

Sincerely,

RIECKER, GEORGE, HARTLEY, VAN DAM & CAMP, P.C.


Philip Van Dam

dkk

Enclosures

37040523949

May 15, 1986

Mr. Richard Tubbs
2356 Twin Lakes Road
Ypsilanti, MI 48197

Dear Richard:

George Weeks of the Detroit News, called me last week and told me that a letter had gone out under your name (or it may have been your wife's name) recruiting precinct delegates for Jack Kemp for 1988. Mr. Weeks told me that the letter was on MOS stationery and signed by you, or your wife, as the Washtenaw County Kemp Chairman.

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.../2

Mr. Richard Tubbs

May 15, 1986

Richard, I have not seen a copy of the letter I refer to, but I base my comments on what George Weeks read to me. If I am incorrect, let me know.

Yours sincerely,

W. Clark Durant, III

WCD3/ma

87040523951

STATEMENT OF DESIGNATION OF COUNSEL

86 SEP 3 All: 34

NUR 2204

NAME OF COUNSEL: Phil Van Dam

ADDRESS: Riecker, George, Hartley, Van Dam, + Cand. P.C.
414 Townsend Street
P.O. Drawer 632

TELEPHONE: MIDLAND, MI. 48640

517-6314025

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

Sept 29, 1986
Date

W. Clark Durant
Signature
Chairman, Mich. Opp. Sec.

RESPONDENT'S NAME: W. Clark Durant

ADDRESS: Cotnam, Mike, Opp. Sec.
2300 Townsend Bldg.
DET, MI

HOME PHONE: _____

BUSINESS PHONE: 313-961-6800

87040523952

LAW OFFICES
MCGUINNESS & WILLIAMS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
SUITE 1200
1015 FIFTEENTH STREET, N. W.
WASHINGTON, D. C. 20005

JAMES F. SCHOENER
202 789-8644

202 789-8600

August 25, 1986

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR

Dear Mr. Steele:

I recently filed a response in the above numbered MUR on behalf of Congressman Jack Kemp. I had not at that time reviewed the most recent court decision concerning construction of the Act. I refer to Orloski v. Federal Election Commission, (D.C. Cir., 1986) CCH ¶9238. While I recognize the differences, I believe the factual situation in the Orloski case does parallel the actions of Congressman Kemp in the events in Michigan complained of by his opponent.

The Michigan events were not sponsored by any Kemp organization, there was no communication expressly advocating the nomination or election of Congressman Kemp (in any event at which he was present), there was not any solicitation of campaign contributions and Congressman Kemp appeared in his capacity as a Member of Congress to discuss congressional matters. In several events, Congressman Kemp did engage in campaigning for other candidates or party building appearances, but no candidacy for the Congressman was involved.

I believe that based on the "bright-line" test suggested by the Court, the Keane complaint should be dismissed.

Very truly yours,


James F. Schoener

bab

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86 AUG 27 PM: 28

GENERAL COUNSEL

97040523053

LAW OFFICES

McGUINNESS & WILLIAMS

SUITE 1200

1015 FIFTEENTH STREET, N. W.

WASHINGTON, D. C. 20005



Charles N. Steele, Esq.
General Counsel

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

704052395

Aug 27 4:11:00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: *mwe* MARJORIE W. EMMONS/CHERYL A. FLEMING *cmh*

DATE: AUGUST 28, 1986

SUBJECT: MUR 2204 - FIRST GENERAL COUNSEL'S REPORT
SIGNED AUGUST 26, 1986

The above-captioned matter was received in the Office of the Secretary of the Commission Wednesday, August 27, 1986 at 9:26 A.M. and circulated on a 24-hour no-objection basis Wednesday, August 27, 1986 at 4:00 P.M.

There were no objections received in the Office of the Secretary of the Commission to the First General Counsel's Report at the time of the deadline.

87040323955

SENSITIVE

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

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT

86 AUG 27 A9:26

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR: 2204
Date Complaint
Received by OGC:
7/17/86
Date of Notification
to Respondent:
7/25/86
STAFF MEMBER:
Reilly

Complainant's Name: James Keane

RESPONDENTS' NAMES: Congressman Jack Kemp
Michigan Opportunity Society
and W. Clark Durant, as treasurer

RELEVANT STATUTES: 2 U.S.C. § 434
2 U.S.C. § 441a
2 U.S.C. § 432(e)

INTERNAL REPORTS CHECKED: Disclosure Reports

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The Office of the General Counsel received a complaint on July 17, 1986 from James Keane. The complaint alleges the Michigan Opportunity Society ("MOS"), a state committee, has been authorized by Congressman Jack Kemp in connection with his quest for the Republican presidential nomination. The complaint requests the Commission to find that MOS has expended more than \$5,000 to advance the Congressman's candidacy, and thus, all funds raised or expended by MOS should comply with the Act's reporting requirements and contribution and expenditure limits.

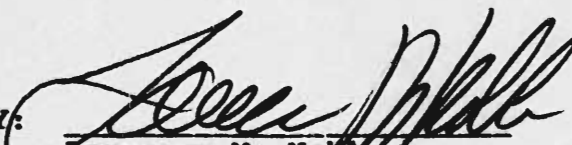
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Respondents were notified of the complaint on July 25, 1986. Counsel for the Congressman filed a timely response. On August 11, 1986 this Office received a request from MOS for a twenty-day extension of time to respond to the complaint. The request stated that MOS personnel had been involved with the August 5, 1986 Michigan primary and had not had an opportunity to review the complaint with counsel. In light of these circumstances, this Office granted an extension of time until September 2, 1986.

After receiving this response and evaluating all responses, this Office will report to the Commission with appropriate recommendations.

Charles N. Steele
General Counsel

8/26/86
Date

BY: 
Lawrence M. Noble
Deputy General Counsel

87040523957

CCC#1233

Before the
Federal Election Commission

In the matter of

MUR 2204

Complaint of James P. Keane

36 AUG 15 4:36

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OFFICE OF THE
GENERAL COUNSEL

Answer on Behalf of of Congressman Jack Kemp

In answer to the complaint filed by Congressman Kemp's
opponent in the 31st Congressional District Contest for
Representative in Congress State of New York, it is submitted as
follows:

1. Those defects and deficiencies in the form and content
of the complaint for failure to conform to the requirements of 11
C.F.R. §111.4(b)(c) and (d) are specifically reserved.

2. The matters alleged concerning Fund for American
Renaissance (FFAR) are irrelevant to the matters complained of by
Mr. Keane.

A. No benefits, direct or indirect, are passed
from FFAR to the principal campaign committee
of Congressman Kemp, Citizens for Jack Kemp
(CJK).

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- B. FFAR is not, nor has Congressman Kemp or his committee been made a party to the lawsuit referred to by complainant.

3. The matters alleged by complainant regarding Michigan Opportunity Society (MOS) are incorrect and the conclusions drawn are unwarranted.

- A. As to allegations regarding MOS, Congressman Kemp has no specific knowledge of their activities, but believe such activities shown on the attachments to be legal and proper in light of FEC v. Machinists Non-Partisan League 655 F.2d 380, cert den. 102 S. Ct. 397.

- B. Specifically, Congressman Kemp denies that he is a candidate for any office other than re-election as United States Representative from the State of New York (31st C.D.).

- C. That as to any organization (including MOS) asserting an interest in his candidacy for presidential office, no official authorization for such activity has been sought nor given.

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D. That as to any organizations called to Congressman Kemp's attention which has used his name in the title of its organization, such organization has been notified to cease the use of Congressman Kemp's name; copies of such correspondence are available from the undersigned on request of the general counsel.

E. Insofar as Congressman Kemp's activities undertaken in the State of Michigan, those actions have been restricted to party development and support of federal, state and local candidates as authorized in A.O. 1986-6; (March 16, 1986).

4. In the complaint a reference is made to a letter and a post card sent in Congressman Kemp's name. See attachments 5 and

6. It is submitted that the activities described therein are clearly party building activities and campaign efforts on behalf of local candidates.

A. Those activities have been approved in AO 1986-6 (page 6) where it is declared that such activities need not be allocated in the event that a later decision is made to become a national candidate.

87040323960

B. Those activities as cited in the complaint are not directed toward the Congressman's candidacy in the New York Congressional election so no affiliation issue or in-kind contribution arises.

C. References, if any, to any potential future candidacy for national office at such meetings were "incidental" or "in response to questions by the public or press." This was also specifically approved in AO 1986-6 at page 6.

D. Regarding that part of the complaint that referred to the Michigan precinct delegate process, it is submitted that the Commission has specifically addressed the unique Michigan situation in AO 1986-6 at page 11 and 12.

5. Commenting specifically on the other attachments to the complaint:

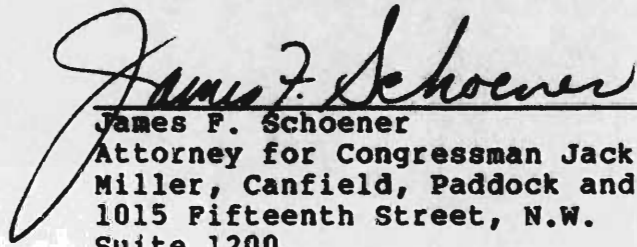
A. Attachment 1 is clearly an organization not authorized by Congressman Kemp.

87040523961

- B. Attachment 2 is another correspondence of a group not authorized by Congressman Kemp.
- C. Attachment 3 is a press release by the group.
- D. Attachment 4 is publication by the organization involved in precinct delegate selection; see comments above in 3D.

Wherefore it is submitted that this matter be dismissed forthwith.

Respectfully submitted,



James F. Schoener
Attorney for Congressman Jack Kemp
Miller, Canfield, Paddock and Stone
1015 Fifteenth Street, N.W.
Suite 1200
Washington, D.C. 20005
202-789-8640

Dated at Washington, D.C.
15 August 1986

87040523962

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2204

NAME OF COUNSEL: James F. Schoener

ADDRESS: 1015 Fifteenth St. N.W. Suite 1200
Washington, D.C. 20005

TELEPHONE: 789-8640

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

15 August 1986
Date

Jack F. Kemp
Signature Jack Kemp, M.C.

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

36 AUG 15 P 4: 26

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

87040523963

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2204

NAME OF COUNSEL: James F. Schoener

ADDRESS: 1015 Fifteenth St. N.W. Suite 1200
Washington, D.C. 20005

TELEPHONE: 789-8640

86 AUG 15 PM 4:36

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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

15 August 1986

Date

Jack Kemp
Signature Jack Kemp, M.C.

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

87040523964

**Before the
Federal Election Commission**

In the matter of

MUR 2204

Complaint of James P. Keane

Answer on Behalf of of Congressman Jack Kemp

In answer to the complaint filed by Congressman Kemp's opponent in the 31st Congressional District Contest for Representative in Congress State of New York, it is submitted as follows:

1. Those defects and deficiencies in the form and content of the complaint for failure to conform to the requirements of 11 C.F.R. §111.4(b)(c) and (d) are specifically reserved.

2. The matters alleged concerning Fund for American Renaissance (FFAR) are irrelevant to the matters complained of by Mr. Keane.

A. No benefits, direct or indirect, are passed from FFAR to the principal campaign committee of Congressman Kemp, Citizens for Jack Kemp (CJK).

87040323965

- B. FFAR is not, nor has Congressman Kemp or his committee been made a party to the lawsuit referred to by complainant.

3. The matters alleged by complainant regarding Michigan Opportunity Society (MOS) are incorrect and the conclusions drawn are unwarranted.

- A. As to allegations regarding MOS, Congressman Kemp has no specific knowledge of their activities, but believe such activities shown on the attachments to be legal and proper in light of PEC v. Machinists Non-Partisan League 655 F.2d 380, cert den. 102 S. Ct. 397.

- B. Specifically, Congressman Kemp denies that he is a candidate for any office other than re-election as United States Representative from the State of New York (31st C.D.).

- C. That as to any organization (including MOS) asserting an interest in his candidacy for presidential office, no official authorization for such activity has been sought nor given.

87040523966

D. That as to any organizations called to Congressman Kemp's attention which has used his name in the title of its organization, such organization has been notified to cease the use of Congressman Kemp's name; copies of such correspondence are available from the undersigned on request of the general counsel.

E. Insofar as Congressman Kemp's activities undertaken in the State of Michigan, those actions have been restricted to party development and support of federal, state and local candidates as authorized in A.O. 1986-6: (March 16, 1986).

4. In the complaint a reference is made to a letter and a post card sent in Congressman Kemp's name. See attachments 5 and 6. It is submitted that the activities described therein are clearly party building activities and campaign efforts on behalf of local candidates.

A. Those activities have been approved in AO 1986-6 (page 6) where it is declared that such activities need not be allocated in the event that a later decision is made to become a national candidate.

87040523967

B. Those activities as cited in the complaint are not directed toward the Congressman's candidacy in the New York Congressional election so no affiliation issue or in-kind contribution arises.

C. References, if any, to any potential future candidacy for national office at such meetings were "incidental" or "in response to questions by the public or press." This was also specifically approved in AO 1986-6 at page 6.

D. Regarding that part of the complaint that referred to the Michigan precinct delegate process, it is submitted that the Commission has specifically addressed the unique Michigan situation in AO 1986-6 at page 11 and 12.

5. Commenting specifically on the other attachments to the complaint:

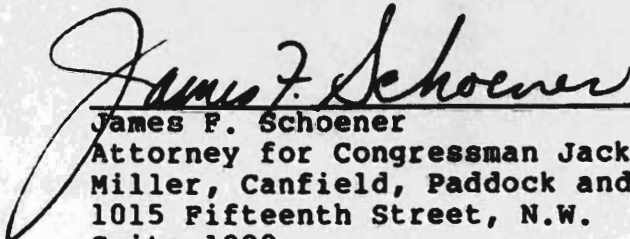
A. Attachment 1 is clearly an organization not authorized by Congressman Kemp.

87040523968

- B. Attachment 2 is another correspondence of a group not authorized by Congressman Kemp.
- C. Attachment 3 is a press release by the group.
- D. Attachment 4 is publication by the organization involved in precinct delegate selection; see comments above in 3D.

Wherefore it is submitted that this matter be dismissed forthwith.

Respectfully submitted,


James F. Schoener
Attorney for Congressman Jack Kemp
Miller, Canfield, Paddock and Stone
1015 Fifteenth Street, N.W.
Suite 1200
Washington, D.C. 20005
202-789-8640

Dated at Washington, D.C.
15 August 1986

87040623969

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2204

NAME OF COUNSEL: James F. Schoener

ADDRESS: 1015 Fifteenth St. N.W. Suite 1200
Washington, D.C. 20005

TELEPHONE: 789-8640

86 AUG 15 P4:36

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

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

15 August 1986
Date

Jack F. Kemp
Signature Jack Kemp, M.C.

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

87040523970

Before the
Federal Election Commission

In the matter of

MUR 2204

Complaint of James P. Keane

Answer on Behalf of of Congressman Jack Kemp

In answer to the complaint filed by Congressman Kemp's
opponent in the 31st Congressional District Contest for
Representative in Congress State of New York, it is submitted as
follows:

1. Those defects and deficiencies in the form and content
of the complaint for failure to conform to the requirements of 11
C.F.R. §111.4(b)(c) and (d) are specifically reserved.

2. The matters alleged concerning Fund for American
Renaissance (FFAR) are irrelevant to the matters complained of by
Mr. Keane.

A. No benefits, direct or indirect, are passed
from FFAR to the principal campaign committee
of Congressman Kemp, Citizens for Jack Kemp
(CJK).

87040323971

- B. PFAR is not, nor has Congressman Kemp or his committee been made a party to the lawsuit referred to by complainant.

3. The matters alleged by complainant regarding Michigan Opportunity Society (MOS) are incorrect and the conclusions drawn are unwarranted.

- A. As to allegations regarding MOS, Congressman Kemp has no specific knowledge of their activities, but believe such activities shown on the attachments to be legal and proper in light of PEC v. Machinists Non-Partisan League 655 F.2d 380, cert den. 102 S. Ct. 397.

- B. Specifically, Congressman Kemp denies that he is a candidate for any office other than re-election as United States Representative from the State of New York (31st C.D.).

- C. That as to any organization (including MOS) asserting an interest in his candidacy for presidential office, no official authorization for such activity has been sought nor given.

87040523972

D. That as to any organizations called to Congressman Kemp's attention which has used his name in the title of its organization, such organization has been notified to cease the use of Congressman Kemp's name; copies of such correspondence are available from the undersigned on request of the general counsel.

E. Insofar as Congressman Kemp's activities undertaken in the State of Michigan, those actions have been restricted to party development and support of federal, state and local candidates as authorized in A.O. 1986-6: (March 16, 1986).

4. In the complaint a reference is made to a letter and a post card sent in Congressman Kemp's name. See attachments 5 and 6. It is submitted that the activities described therein are clearly party building activities and campaign efforts on behalf of local candidates.

A. Those activities have been approved in AO 1986-6 (page 6) where it is declared that such activities need not be allocated in the event that a later decision is made to become a national candidate.

87040523973

B. Those activities as cited in the complaint are not directed toward the Congressman's candidacy in the New York Congressional election so no affiliation issue or in-kind contribution arises.

C. References, if any, to any potential future candidacy for national office at such meetings were "incidental" or "in response to questions by the public or press." This was also specifically approved in AO 1986-6 at page 6.

D. Regarding that part of the complaint that referred to the Michigan precinct delegate process, it is submitted that the Commission has specifically addressed the unique Michigan situation in AO 1986-6 at page 11 and 12.

5. Commenting specifically on the other attachments to the complaint:

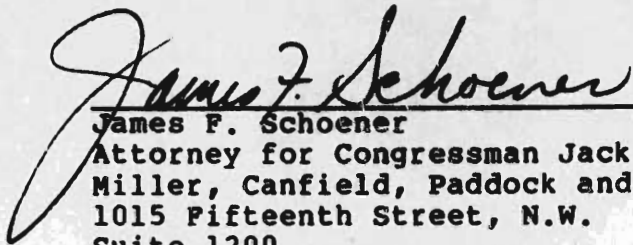
A. Attachment 1 is clearly an organization not authorized by Congressman Kemp.

87040623974

- B. Attachment 2 is another correspondence of a group not authorized by Congressman Kemp.
- C. Attachment 3 is a press release by the group.
- D. Attachment 4 is publication by the organization involved in precinct delegate selection; see comments above in 3D.

Wherefore it is submitted that this matter be dismissed forthwith.

Respectfully submitted,


James F. Schoener
Attorney for Congressman Jack Kemp
Miller, Canfield, Paddock and Stone
1015 Fifteenth Street, N.W.
Suite 1200
Washington, D.C. 20005
202-789-8640

Dated at Washington, D.C.
15 August 1986

87040623975



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Perm
August 13, 1986

W. Clark Durant
Durant & Durant
2300 Penobscott Building
Detroit, Michigan 48226

RE: MUR 2204

Dear Mr. Durant:

87040623976
The Office of the General Counsel is in receipt of your recent letter requesting an extension of time in which to respond to the complaint in the above captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested 20 days extension. Accordingly, your response is due no later than September 2, 1986.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel

[Signature]
BY: Lawrence M. Noble
Deputy General Counsel



GCC#1199

RECEIVED THE FEC

86 AUG 13 49:07

2300 PENOBSCOT BLDG. DETROIT, MICHIGAN 48226 • (313) 965-3230

August 11, 1986

Ms. Patty Reilly
Staff Attorney
Federal Elections
Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2204

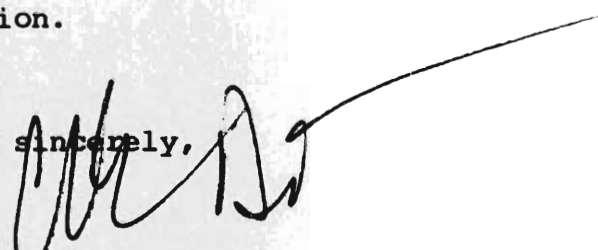
Dear Ms. Reilly:

I am Chairman of the Michigan Opportunity Society and hereby request an extension of 20 days within which to answer the complaint filed in the above matter. I received the complaint on July 29th in Detroit. I have not had an opportunity to respond yet because of the following reasons:

1. We had a major primary election on August 5th in Michigan and I have simply been committed to carrying out certain tasks that have involved substantially all of my time. These were commitments made well before receiving the July 25th letter from you.
2. I have not yet had an opportunity to review the Complaint with counsel familiar with FEC matters.

Thank you very much for your consideration.

Yours sincerely,


W. Clark Durant, III

WCD3/ma

RECEIVED
GENERAL COUNSEL

16 AUG 13 49:32

87040523977

MS

4 7 3 2 3 0 7 3

2300 PENOBSCOT BLDG DETROIT, MICHIGAN 48226

Ms. Patty Reilly
Staff Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463



RECEIVED
AUG 11 1983
06



MICHIGAN DEPARTMENT OF STATE
Elections Division
Campaign Finance Reporting

STATEMENT OF ORGANIZATION

For Independent, Political, Ballot Question and
Political Party Committees

RECEIVED
CAMPAIGN FINANCE
REPORTING

For Office Use Only

85 FEB 11 AM 11 08

MUR 2204
PR
5914

DEPARTMENT
OF
STATE

- READ INSTRUCTIONS BEFORE COMPLETING THIS FORM.
- TYPE OR PRINT CLEARLY, IN INK.
- AFTER YOUR INITIAL FILING, A COMMITTEE IDENTIFICATION NUMBER WILL BE ASSIGNED TO YOU.
- USE IT ON ALL SUBSEQUENT REPORTS, STATEMENTS AND CORRESPONDENCE.

1. Committee Identification No. 50241-7	2. Full Name of Committee Michigan Opportunity Society Campaign	3. Type of Filing <input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment Effective date of amendment. Mo. Day Yr.	If amendment, also complete items 1, 2, 15 and item(s) being amended. Indicate by item number(s) which item(s) are being changed:
--	--	--	--

4. Committee Street Address (Street, City, State, Zip Code) 2300 Penobscot Bldg. Detroit, Michigan 48226	4a. Committee Mailing Address (If different from street address)	5. Date Committee was formed Mo. Feb. Day 06 Yr. 85
		6. Committee area code and phone (313) 961-6820

7. Full Name and Mailing Address of Treasurer: W. Clark Durant, III 2300 Penobscot Bldg. Detroit, Michigan 48226 Area code and phone:	8. Type of Committee (Check one box) <input checked="" type="checkbox"/> Independent Committee <input type="checkbox"/> Ballot Question Committee <input type="checkbox"/> Political Committee <input type="checkbox"/> Political Party Committee <input type="checkbox"/> State Central <input type="checkbox"/> District <input type="checkbox"/> County
---	---

9. Identify the Principal Officers of this Committee, other than the Treasurer. Name Title or Position W. Clark Durant, III Chairman	Mailing Address: 2300 Penobscot Building Detroit, MI 48226	Area Code/Phone (313) 961-6800
--	--	-----------------------------------

10. Check if item applies (See instructions)
☐ The Committee does not expect to receive or expend in excess of \$500.00 in an election.

11. List depositories or intended depositories of committee funds, indicating official depository first, and then the secondary depositories.

Name of Bank or Other Depository	Mailing Address and Zip Code
First of America Bank, Detroit - N.A.	645 Griswold, Detroit, Michigan 48226

36 AUG 4 PM 4:03

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

6 4 6 8 2 9 0 4 0 2 8

87040523980



MICHIGAN DEPARTMENT OF STATE
CAMPAIGN FINANCE REPORTING

- Type or Print Clearly, in Ink.
- Statement Must Be Signed By Committee Treasurer

STATEMENT OF ORGANIZATION
For Independent, Political, Ballot Question and
Political Party Committees

60167
May 8 11 29 AM '85

1. Committee Identification No. 502611-7		2. Full Name of Committee Michigan Opportunity Society Campaign		3. Type of Filing <input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment Effective date of amendment: 5 6 85 Mo. Day Year		If amendment, also complete items 1, 2, 3 and 19 in addition to the item(s) changed. Indicate by item number(s) which item(s) are being changed: 11, 15	
4. Committee Street Address (Street, City, State, Zip Code) 2300 Penobscot Building Detroit, Michigan 48226 Committee area code and phone: (313) 961-6800		4a. Committee Mailing Address (if different from street address)				5. Date Committee was formed Mo. 2 Day 6 Yr. 85 6. Had the Committee spent or received \$200 or more by the date entered in item 5? <input type="checkbox"/> YES <input type="checkbox"/> NO	
7. Full Name and Mailing Address of Treasurer: Cheryl Ann Yurchis 2300 Penobscot Building Detroit, MI 48226 Area code and phone:		8. Type of Committee (Check one box) <input checked="" type="checkbox"/> Independent Committee <input type="checkbox"/> Ballot Question Committee <input type="checkbox"/> Political Committee <input type="checkbox"/> State Central Political Party Committee <input type="checkbox"/> District Political Party Committee <input type="checkbox"/> County Political Party Committee			9. Name, address and position held of Principal Officers of the Committee, other than the Treasurer W. Clark Durant, III, Chairman		
10. REPORTING WAIVER SECTION <input type="checkbox"/> The Committee does not expect to receive or expend in excess of \$250.00 in an election.		11. Names and addresses of depositories or intended depositories of committee funds, indicating both official and any secondary depositories National Bank of Detroit - Woodward at Fort, Detroit MI First of America - 645 Griswold, Detroit, MI					
12. Attach a list of the names of groups and organizations which belong to this committee. List Attached <input type="checkbox"/> YES <input type="checkbox"/> NO		13. If committee supports specific candidates, list their names below: None Office sought, including district number and community County of residence Party, if any					
14. If committee supports or opposes specific ballot questions or issues, indicate below: Ballot Questions or Issues None Support or Oppose Type (statewide, multi-county, county, local)		If not statewide, identify the county in which the greatest number of registered voters eligible to vote on the ballot question reside.					
15. Verification: I certify that all reasonable diligence was used in the preparation of the above statement, and that the contents are true, accurate and complete to the best of my knowledge or belief.							
Treasurer CHERYL ANN YURCHIS Type or Print Name		Signature Cheryl Ann Yurchis				Date 5 6 85 Mo. Day Year	



MICHIGAN DEPARTMENT OF STATE
CAMPAIGN FINANCE REPORTING

- Type or Print Clearly, in Ink.
- Statement Must Be Signed By Committee Treasurer

STATEMENT OF ORGANIZATION
For Independent, Political, Ballot Question and
Political Party Committees

RECEIVED
CAMPAIGN FINANCE
REPORTING

60837

1. Committee Identification No. 502611-7		2. Full Name of Committee Michigan Opportunity Society Campaign		3. Type of Filing <input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment Effective date of amendment: 8 21 85 Mo. Day Year		4. Committee Mailing Address (If different from street address) 		5. Date Committee was formed Mo. 2 Day 6 Yr. 85	
4. Committee Street Address (Street, City, State, Zip Code) 2300 Penobscot Bldg. Detroit, Mi. 48226		4a. Committee Mailing Address (If different from street address) 		5. Date Committee was formed Mo. 2 Day 6 Yr. 85		6. Had the Committee spent or received \$200 or more by the date entered in Item 5? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		7. Name, address and position held of Principal Officers of the Committee, other than the Treasurer W. Clark Durant, 111 2300 Penobscot Bldg. Detroit, Mi. 48226 Chairman	
7. Full Name and Mailing Address of Treasurer: Marcy Ann Tayler 2300 Penobscot Bldg. Detroit, Mi. 48226 Area code and phone: (313) 961-6800		8. Type of Committee (Check one box) <input checked="" type="checkbox"/> Independent Committee <input type="checkbox"/> Ballot Question Committee <input type="checkbox"/> Political Committee <input type="checkbox"/> State Central Political Party Committee <input type="checkbox"/> District Political Party Committee <input type="checkbox"/> County Political Party Committee		9. Name, address and position held of Principal Officers of the Committee, other than the Treasurer W. Clark Durant, 111 2300 Penobscot Bldg. Detroit, Mi. 48226 Chairman		10. REPORTING WAIVER SECTION <input type="checkbox"/> The Committee does not expect to receive or expend in excess of \$200.00 in an election.		11. Names and addresses of depositories or intended depositories of committee funds, indicating both official and any secondary depositories National Bank of Detroit, Woodward and Fort Detroit, Mi. 48226	
12. Attach a list of the names of groups and organizations which belong to this committee. List Attached <input type="checkbox"/> YES <input type="checkbox"/> NO		13. If committee supports specific candidates, list their names below: None		Office sought, including district number and community		County of residence		Party, if any	
14. If committee supports or opposes specific ballot questions or issues, indicate below: Ballot Questions or Issues		Support or Oppose		Type (statewide, multi-county, county, local)		If not statewide, identify the county in which the greatest number of registered voters eligible to vote on the ballot question reside.			
15. Verification: I certify that all reasonable diligence was used in the preparation of the above statement, and that the contents are true, accurate and complete to the best of my knowledge or belief.		Treasurer Marcy Ann Tayler Type or Print Name		Signature / Marcy Ann Tayler 2 8 6 2 7 5 0 4 0 2 8		Date 8- 21- 85 Mo. Day Year			

502611
60778
DURANT & DURANT, P.C.

ATTORNEYS AND COUNSELORS

2300 PENOBSCOT BUILDING

DETROIT, MICHIGAN 48226

TELEPHONE (313) 961-6800

RICHARD DURANT
W. CLARK DURANT III

KIRSTEN FRANK
JOHN G. HARTE

OF COUNSEL:
JOHN L. OWEN

August 8, 1985

Department of State
Campaign Finance Reporting
PO Box 20126
Lansing, Michigan 48901

RE: Committee #502611-7

Dear Sir or Madam:

This letter serves to advise you of my resignation as treasurer of the Michigan Opportunity Society, which is filed with your offices as Independent Committee #502611-7.

The effective date of my resignation from that office was July 17, 1985. The Committee's chairman, W. Clark Durant, III, has not put forward the name of a new treasurer as of today's date. Until such time as he does, the committee will act without a treasurer.

Sincerely,

Cheryl Ann Yurchis
Cheryl Ann Yurchis

home address:

22230 Tenny
Dearborn, Michigan 48124

RECEIVED
CAMPAIGN FINANCE
REPORTING
Aug 9 3 57 PM '85
STATE

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MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

MUTUAL BUILDING
208 N. CAPITOL AVENUE



LANSING

MICHIGAN 48918

August 15, 1985

502611-7

FILED

Michigan Opportunity Society
2300 Penobscot Bldg.
Detroit, MI 48226

Dear Ladies or Gentlemen:

We have been advised by Ms. Cheryl Ann Yurchis of her resignation as treasurer of the Michigan Opportunity Society.

Please be advised that Section 21(4) of P.A. 388 states: "A contribution shall not be accepted and an expenditure shall not be made by a committee which does not have a treasurer".

The Act also requires that an amended Statement of Organization must be filed within 10 days of the appointment of a new treasurer.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Glorietta B. Flakes

Glorietta B. Flakes, Supervisor
Disclosure and Public Records
Elections Division
P. O. Box 20126
Lansing, MI 48901
(517) 373-8558

GBF:jr

cc: Cheryl Ann Yurchis

87040523984

DURANT & DURANT, P.C. MARCEL
ATTORNEYS AND COUNSELORS REPORT #1

RICHARD DURANT
W. CLARK DURANT III

KIRSTEN FRANK
JOHN G. HARTE

2300 PENOBSCOT BUILDING
DETROIT, MICHIGAN 48226

TELEPHONE (313) 981-6800 DE

SEP 17 10 40 AM '85

STATE

61029

OF COUNSEL:
JOHN L. OWEN

September 13, 1985

Michigan Department of State
Campaign Finance Reporting
PO BOX #20126
Lansing, Michigan 48901

Michigan Department of State:

The purpose of this letter is to request information from your office concerning a Political Action Committee. I have just recently been made the Treasurer of the Michigan Opportunity Society and I would like to have all of the information I will need as the Treasurer of this PAC.

More specifically, I will need all of the forms which I will need to file with your office, as well as the appropriate filing dates and any other information you might have, that I should have.

Additionally, the Michigan Opportunity Society is an Independent PAC.

Thank you for your attention to this matter. I will look forward to receiving this pertinent information from your office as soon as possible.

Sincerely Yours,

Marcy Tayler
Marcy Tayler

87040523985

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

MUTUAL BUILDING
208 N. CAPITOL AVENUE



LANSING
MICHIGAN 48918

FICHERD

September 23, 1985

502611-7

C/13

Michigan Opportunity Society
Ms. Marcy Tayler
2300 Penobscot Building
Detroit, Michigan 48226

KEYED

Dear Ms. Tayler:

In response to your letter of September 13, 1985, enclosed please find the Independent, Political and Ballot Question Committee manual and Campaign Statement Instructions and Forms. Also enclosed are 1985 Dates to Remember and a special issue of the "Campaign Finance Reporter".

If you have any specific questions after reviewing this information, please do not hesitate to contact us.

Sincerely,

Glorietta B. Flakes

Glorietta B. Flakes, Supervisor
Disclosure and Public Records
Elections Division
Post Office Box 20126
Lansing, Michigan 48901
(517) 373-8558

GBF:sew

Enclosures

87040623996



MICHIGAN OPPORTUNITY SOCIETY

502611-7

63883

APR 21 11 24 AM '86
DEPARTMENT
OF
STATE
MICHIGAN
ELECTIONS

2300 PENOBSCOT BLDG. DETROIT, MICHIGAN 48226

April 18, 1986

Disclosure and Public Records
Elections Division
c/o Glorietta Flakes, Supervisor
P.O. Box 20126
Lansing, MI 48901

Dear Ms. Flakes:

This letter is in confirmation of my phone conversation with one of the staff members in your office on April 18, 1986. During this conversation this woman told me that it is not necessary for an independent political action committee to file pre- and post-campaign statements if we do not make a contribution to a candidate or a ballot question on the ballot.

I explained to her that the focus of our participation as a political action committee has been in voter awareness and in efforts towards getting precinct delegates to file.

Thank you for your help in clearing up this matter. Please contact me if the information which I have received is incorrect.

Very truly yours,

Marcy Tayler

Marcy Tayler, Treasurer
Michigan Opportunity Society

MAT/nt

87040523997

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN

SECRETARY OF STATE

MUTUAL BUILDING
208 N. CAPITOL AVENUE



LANSING
MICHIGAN 48918

May 28, 1986

502611-7

Michigan Opportunity Society
Marcy Tayler, Treasurer
2300 Penobscot Building
Detroit, Michigan 48226

Dear Ms. Tayler:

This is in response to your recent letter requesting confirmation that pre- and post- campaign statements are not required if no contributions are made to a candidate or a ballot question on the ballot.

Section 5(2) of P.A. 388 states:

"Elective office" means a public office filled by an election, except for federal offices. A person who is appointed to fill a vacancy in a public office which is ordinarily elective holds an elective office. Elective office does not include the office of precinct delegate."

Section 6(e) states an expenditure does not include:

(e) An expenditure for nonpartisan voter registration or nonpartisan get-out-the-vote activities. This exclusion shall not apply if a candidate or group of candidates sponsors or finances the activity or is identified by name with the activity. This exclusion shall apply to an activity performed pursuant to sections 491 to 524 of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.491 to 168.524 of the Michigan Compiled Laws, by the secretary of state and other registration officials who are identified by name with the activity. This exclusion shall apply to a candidate who is an elected officeholder and whose office is not on the ballot for the general election in the calendar year in which the expenditure is made or is not a candidate within the meaning of section of sections 3(1)(a) and 3(1)(b) and is identified by name with the activity.

Michigan Opportunity Society
Marcy Tayler, Treasurer
May 28, 1986
Page 2

Therefore, as provided in the sections quoted above, if your only activity has been in voter awareness and getting precinct delegates to file and expenditures have not been made in assistance of, or opposition to, the nomination or election of a candidate, or qualification, passage, or defeat of a ballot question, pre- or post- campaign statements are not required.

If you have any further questions, please do not hesitate to contact us.

Sincerely,

Glorietta B. Flakes
Glorietta B. Flakes, Supervisor
Disclosure and Public Records
Elections Division
Post Office Box 20126
Lansing, Michigan 48901
517 373-8558

GBF:sew

87040623999



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1986

Mr. James J. Keane
56 Tanglewood
West Seneca, NY 14224

Dear Mr. Keane:

This letter will acknowledge receipt of a complaint filed by you which we received on July 17, 1986, which alleges possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Congressman Jack Kemp and the Michigan Opportunity Society. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter under review MUR 2204. Please refer to this number in all future correspondence. If you have any questions, please contact Lorraine F. Ramos at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

By: Lawrence M. Noble
Deputy General Counsel

Enclosure

87040323990



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1986

W. Clark Durant, Treasurer
Michigan Opportunity Society
2300 Penobscott Bldg.
Detroit, Michigan 48226

Re: MUR 2204

Dear Mr. Clark:

This letter is to notify you that the Federal Election Commission received a complaint which alleges that you, as treasurer, and the Michigan Opportunity Society may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2204. Please refer to this number in all future correspondence.

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

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

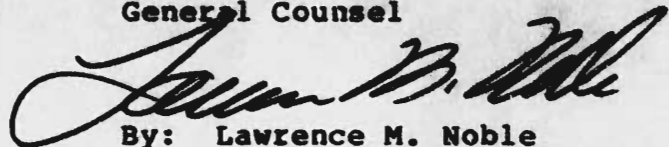
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed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

87040323991

If you have any questions, please contact Maura Callaway, the staff person assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaints
Procedures
Designation of Counsel Statement

87040523992



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 25, 1986

The Honorable Jack Kemp
U.S. House of Representatives
Washington, D.C. 20515

Re: MUR 2204

Dear Mr. Kemp:

This letter is to notify you that 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"). A copy of the complaint is enclosed. We have numbered this matter MUR 2204. 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 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.

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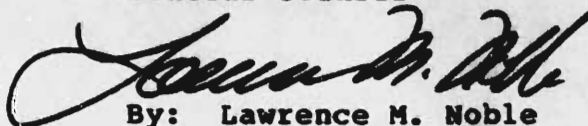
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87040523993

If you have any questions, please contact Maura Callaway, the staff person assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Lawrence M. Noble
Deputy General Counsel

Enclosures
Complaints
Procedures
Designation of Counsel Statement

87040323994

KEANE FOR CONGRESS

The 31st Congressional District
56 TANGLEWOOD DRIVE
WEST SENECA, NEW YORK 14224

GCC # 955
06 JUL 17 417:01
M2204

July 17, 1986

Charles Steele
General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

06 JUL 17 09:50

Dear Mr. Steele:

I recently initiated a landmark lawsuit in Federal District Court for the Western District of New York to prevent further illegal campaign finance activities on the part of Congressman Jack Kemp's Fund for the American Renaissance (FAR). The basis for the lawsuit is that FAR is nothing more than a thinly veiled campaign finance scheme designed to circumvent federal campaign finance limitation and reporting requirements.

It has now come to my attention, and I have been provided with substantial documentation, that Mr. Kemp is similarly conducting illegal campaign financing activities through the Michigan Opportunity Society ("MOS").

Accordingly, pursuant to 2 U.S.C. 437g(a) and 11 C.F.R. 111.47, this letter constitutes a complaint to the Federal Election Commission ("Commission") and alleges that Congressman Jack Kemp and the Michigan Opportunity Society have violated provisions of the Federal Election Campaign Act of 1971, as amended.

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Specifically, this complaint alleges that Mr. Kemp and the MOS (W. Clark Durant, Treasurer, 2300 Penobscott Bldg., Detroit, Michigan 48226 (313) 965-3230) have violated federal election laws which require all political committees supporting candidates for federal office to register with the Commission and to comply with its contribution and spending limitations and disclosure requirements.1

Further, it is alleged that the MOS has been authorized by Mr. Kemp to support his campaign for federal office. Since MOS undoubtedly has spent more than \$5,000 to advance Mr. Kemp's

1. Federal law defines "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 11 C.F.R. 100.5(a). A "contribution" is deemed to include "anything of value made by any person for the purpose of influencing any election for Federal office." 11 C.F.R. 100.7(a) (1). "Expenditure" is similarly defined. 11 C.F.R. 100.8(a)(1). Political committees are required to register with the Commission (11 C.F.R. 102.1), and to file regular reports listing all contributions and expenditures. 11 C.F.R. 104.3. Limits are also placed on the amount of contributions from one source [2 U.S.C. 441a(a)] and the amount of expenditures the committee can make if it is an authorized campaign committee. [2 U.S.C. 441a(b)].

An individual becomes a candidate for federal office when that individual gives his or her consent to another person to receive or make expenditures in excess of \$5,000 on behalf of that individual's pursuit of federal office. 11 C.F.R. 100.3(a) (2). Such an "authorized" committee is then bound by the contribution and expenditure limits noted above.

Finally, the receipts and expenditures of a political committee engaging in work on behalf of an individual who subsequently announces his candidacy are attributed to that individual at the time of his announcement. 11 C.F.R. 100.(b) (1), 100.8(b)(1), 101.3.

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campaigns, all funds raised or expended by MOS should comply with Commission contribution and expenditure limitations set by Federal law. Moreover, all funds raised and expended by MOS should be counted against Mr. Kemp's spending limitations as required by law.

MOS has registered as a political committee in the State of Michigan, but has steadfastly refused to register with the Commission on the grounds that it is not supporting any candidate for federal office. This position is unsustainable in light of MOS's consistent and repeated statements and activities specifically promoting the candidacy of Mr. Kemp for federal office. Examples include the following:

(1) A memorandum from State Senator Dick Posthumus, MOS Co-Chairman, to Republican legislators (Attachment 1):

As most of us are currently focusing our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have joined with many other Republicans in Michigan to urge Congressman Jack Kemp to run for President in 1988. I am asking you to join with me in urging Jack Kemp to run; and if he does, support his efforts in Michigan and nationally....

87040323997

Attached you will find several recent news clippings with regard to Jack's efforts in Michigan and elsewhere. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America....

(2) A November 12, 1985 letter signed by Michigan State Senator Dick Posthumus (Attachment 2):

As most of us continue to focus our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race. Clark Durant and I have started recruiting supporters of Congressman Jack Kemp throughout the state....

Enclosed you will find a short summary of the precinct delegate process that is to take place and a biography of Jack Kemp. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America...

(3) An MOS press release dated September 18, 1985 (Attachment 3):

Today, as the Michigan GOP meets in its biennial leadership conference at Mackinac Island, two leading advocates for a Jack Kemp for President movement, Senator Dick Posthumus and Detroit Attorney W. Clark Durant, are announcing that seven of Michigan's eighteen Republican district chairs are joining them in urging Congressman Jack Kemp to run in 1988 and pledging their support....

87040323998

"While electing a Republican governor, maintaining our Senate majority, and achieving a House majority are the top priorities of 1986, we are hopeful that Congressman Kemp can be persuaded at the earliest possible date to run for President, which will be our top priority for 1988," said Posthumus and Durant....

Senator Posthumus, a veteran of many political battles in Michigan noted, "This early support will help make a Kemp candidacy a reality. Jack Kemp and his ideas will ensure that the Republican Party will truly be the Majority Party in American"....

(4) An MOS mass mailing signed by Karen L. Tubbs, the self-identified "Kemp Chair. Washtenaw Co."

You are cordially invited to attend a private reception with CONGRESSMAN JACK KEMP on Saturday, April 19 from 2:00 to 4:00 p.m. at the home of State Rep. Margaret O'Connor (4300 Saline Rd.).

The purpose of the meeting is two-fold. First, we wish to have a chance for supporters to personally meet the Congressman. The second, is to complete our gathering of precinct delegates to support the Congressman in 1988...

Bottom Line: If you do not become a precinct delgate, you will be completely shut-out from deciding who will be the next Republican Presidential nominee. This will be the person chosen to carry on the "Reagan Revolution"....

It is not a question of saying one thing and doing another. A segment of the April 8, 1986 McNeill-Lehrer News Hour, devoted to Michigan political activity, records the remarks of an MOS phone canvasser (Attachment 4):

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Judy Woodruff: To keep from being shut out, three men who are expecting to run for president in '88 have organizations working in their behalf, looking for Republicans who are willing to become precinct delegates, and who incidently are likely to support the right presidential candidate down the road.

Rose DaLoof: This is Rose DaLoof calling from the Republican Party 3rd District, (pause) have you considered being a precinct delegate? (pause) You never have, huh? (pause) Are you interested in promoting Kemp for president in '88. (Rose DaLoof is later described as 'working' for the Michigan PAC for Kemp.)

Because MOS has refused to register and file reports with the Commission, it has violated the law. The public has NO idea how much money MOS has raised, from whom it was raised, and how it is being spent. This runs totally contrary to public sentiment, congressional actions over the past dozen years and prohibition against such conduct set forth in the Act.

It is equally clear that Mr. Kemp has authorized and consented to these MOS activities in support of his campaign. Despite the highly publicized pro-Kemp statements of MOS leaders, Mr. Kemp has never disavowed their activities. Indeed, MOS schedules and publicizes his visits in Michigan. Their leaders travel with him throughout the state. Congressman Kemp himself refers persons interested in his Michigan schedule to MOS, or "our Opportunity Society" as he calls it. He has even personally solicited participation of Michigan Republicans in MOS activities (see Attachment 5 and 6).

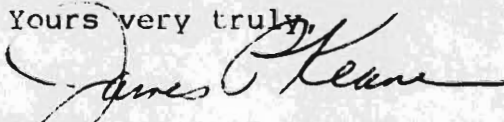
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This pattern of activity by Mr. Kemp and MOS is remarkably similar to that conducted by Mr. Kemp and on his behalf by FAR. Mr. Kemp and the entire FAR Board recently resigned in the aftermath of revelations concerning their improprieties.

It is requested that MOS be found to be a political committee, that it be required to register with the Commission and file all necessary reports and that it be subject to all applicable contribution, disclosure and spending limitations.

Further, it is requested that the Commission find that Mr. Kemp has authorized MOS to act on his behalf and in support of his campaign for Federal office and that he be subject to all reporting requirements and spending and contribution limits as required by Federal law.

Yours very truly,


JAMES P. KEANE
56 Tanglewood
West Seneca New York 14224
(716) 649-8471

Sworn to before me this

17th day of July, 1986


COMMISSIONER OF DEEDS

City of Buffalo, New York
My Commission Expires 12/31/86

87040524001

87040524002

ATTACHMENT 1

THE SECRET

STATE OF MICHIGAN

SENATOR DICK POSTHUMUS
ASSISTANT MAJORITY FLOOR LEADER

STATE CAPITOL
LANSING, MICHIGAN 48909
616/373-0707

MEMORANDUM

TO: Fellow Republican Legislators
FROM: Dick Posthumus
RE: Congressman Jack Kemp
DATE: October 1, 1985

As most of us are currently focusing our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have joined with many other Republicans in Michigan to urge Congressman Jack Kemp to run for President in 1988. I am asking you to join with me in urging Jack Kemp to run; and if he does, support his efforts in Michigan and nationally.

Seven of Michigan's eighteen Republican district chairs have already joined in urging Congressman Kemp to run in 1988. They represent the diversity of the Michigan Republican Party and demonstrate Kemp's charismatic appeal for many Michigan Republicans.

Attached you will find several recent news clippings with regard to Jack's efforts in Michigan and elsewhere. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America.

If you have any questions or comments, please give me a call. Thank you for your time and consideration.

ATTACHMENT 2

87040524004

THE SENATE
LANSING, MICHIGAN

SENATOR DICK POSTHUMUS
ASSISTANT MAJORITY FLOOR LEADER

STATE CAPITAL
LANSING, MICHIGAN 48206
(517) 373-0797



November 12, 1985

Dear

As most of us continue to focus our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race. Clark Durant and I have started recruiting supporters of Congressman Jack Kemp throughout our state.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have taken the responsibility of coordinating the congressional districts in Western Michigan. These include the 3rd, 4th, 5th, and 9th Congressional Districts.

As Republican County Chairs, I am asking you to help me get interested people involved. If you know of any individuals in your county who may be interested in helping Jack Kemp or would just like additional information, please let me know.

When appropriate, please make an announcement at your next county executive committee meeting or possibly mention something in your newsletter that interested parties can contact me.

Enclosed you will find a short summary of the precinct delegate process that is to take place and a biography of Jack Kemp. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America.

If you have any questions or comments, please give me or my Administrative Assistant, Saul Anuzis a call at (517) 373-0797. Thank you for your time and consideration.

Sincerely,

Dick Posthumus
Dick Posthumus

ATTACHMENT 3

87040624006

PRESS RELEASE

FOR IMMEDIATE RELEASE
SEPTEMBER 18, 1985 A.M.

For More Info Contact:
Senator Dick Posthumus
(517) 373-0797
W. Clark Durant
(313) 961-6800

7
Today, as the Michigan GOP meets in its biennial leadership conference at Mackinac Island, two leading advocates for a Jack Kemp for President movement, Senator Dick Posthumus and Detroit Attorney W. Clark Durant, are announcing that seven of Michigan's eighteen Republican district chairs are joining them in urging Congressman Kemp to run in 1988 and pledging their support.

6
Kemp will be the featured luncheon speaker at the weekend conference, where Michigan's top political leaders will meet to make plans for the coming elections.

5
"While electing a Republican governor, maintaining our Senate majority, and achieving a House majority are the top priorities of 1985, we are hopeful that Congressman Kemp can be persuaded at the earliest possible date to run for President, which will be our top priority for 1988," said Posthumus and Durant.

4
3
2
1
The seven district chairs announcing today their support for Kemp represent the diversity of the Michigan Republican Party. Al May, 18th District Chair; Dovie Pickett, 13th District Chair; and Michael Legg, 2nd District Chair, all supporters of George Bush's 1980 presidential bid, have joined with Mark Koldys, Chairman of the Michigan Conservative Union and 16th District Chair, to urge Congressman Kemp to run.

Other chairmen joining the "Draft Kemp" movement include Duane Hillar, 8th District Chair; Terry Gilsenan, 14th District Chair; and Mike Cassa, 17th District Chair.

"The willingness of so many district chairmen to come out so early reflects the tremendous opportunity for the party to continue the Reagan Revolution," said Durant, appointed by Reagan to be Chairman of the Board of the Legal Services Corporation. "Kemp's support is solid and growing."

Senator Posthumus, a veteran of many political battles in Michigan noted, "This early support will help make a Kemp candidacy a reality. Jack Kemp and his ideas will ensure that the Republican Party will truly be the Majority Party in America."

87040524008

ATTACHMENT 4



MICHIGAN OPPORTUNITY SOCIETY

2300 PENOBSCOT BLDG. DETROIT, MICHIGAN 48226 • (313) 965-3230

April 10, 1986

Dear Friend,

9 You are cordially invited to attend a private reception with
0 CONGRESSMAN JACK KEMP on Saturday, April 19 from 2:00 to 4:00
0 P.M. at the home of State Rep. Margaret O'Connor (4300 Saline Rd.)

0 The purpose of the meeting is two-fold. First, we wish to have
0 a chance for supporters to personally meet the Congressman.
2 The second, is to complete our gathering of precinct delegates
to support the Congressman in 1988.

3 Because of campaign law changes, only precinct delegates will
0 be allowed to vote in the '88 caucuses.

0 Bottom Line: If you do not become a precinct delegate you will
4 be completely shut-out from deciding who will be the next
0 Republican Presidential nominee. This will be the person chosen
to carry on the "Reagan Revolution".

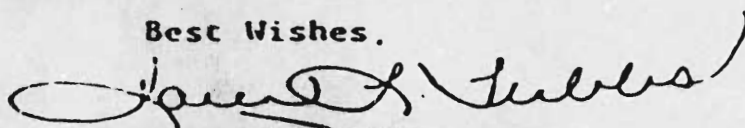
7 On Saturday, we will have delegate petitions and precinct maps
α available for you. Plus, instruction will be given regarding
the role and responsibilities of being a precinct delegate.

As an additional attraction, we have been informed that Federal
Reserve Board Trustee, Martha Seger, will be joining us.

So make plans to join us on the 19th as we move closer to the
May 27th filing deadline. Together, we will continue the
"prairie-fire" begun six years ago with the election of
President Reagan.

If there is anything I can do for you in the meantime, please
do not hesitate to contact me at 572-1842.

Best Wishes,


KAREN L. TUBBS
Kemp Chair, Washtenaw Co.

We need your help. Hope to see you

TRANSCRIPT FROM MACNEIL-LEHRER

4-8-86

87040524010
Judy Woodruff: To keep from being shut out, three men who are expecting to run for president in '88 have organizations working in their behalf, looking for Republicans who are willing to become precinct delegates, and who incidently are likely to support the right presidential candidate down the road.

Rose DaLoof: This is Rose DaLoof calling from the Republican Party 3rd District, (pause) have you considered being a precinct delegate? (pause) You never have huh? (pause) Are you interested in promoting Kemp for president in '88. (Rose DaLoof is later described as 'working' for the Michigan PAC for Kemp)

Judy Woodruff: The man volunteer Rose DaLoof is pushing, however, has not yet announced he is even running.

Judy Woodruff: Even so, three organizations have been set up to advance Kemp's ideas and political standing. A Political Action Committee in Michigan which Rose DaLoof works with. A national Political Action Committee, which raises money, among other things,

to help Republicans get elected around the country. And a tax-exempt foundation. Kemp's advisors say that ever since Jimmy Carter ran for President, this kind of early organization is a must.

Roger Stone: It's not a wholesale game, it's a retail game. If you want to compete, ~~you've got to compete~~, you've got to go out and recruit. And in many times you'll, as Carter demonstrated, the candidate that gets there first, with the appropriate message, and the right amount of work gets the key people, gets the key dollars, gets the key positions. In other words, if you want to have a shot, you've got to score early or die, and the candidate who decides to wait, is the candidate who gets left at the gate.

Judy Woodruff: What Kemp has not done however, is set up any sort of an organization that makes him subject to the spending limits and public disclosure requirements that announced candidates for president are forced to abide by. The same is true for TV Evangelist Pat Robertson who says only that he is thinking about running for president. Just in case he decides to, he is being helped by a Political Action Committee. There is also a non-partisan political group called the Freedom Council. It's director says Robertson will be coming to Michigan at least half a dozen times in the next six months. Why? To boost the Council's effort to elect Republican precinct delegates sympathetic to the Christian cause.

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87040624012

ATTACHMENT 5



JACK KEMP

March 24, 1986

Dear Michigan Republican,

Now is an exciting time to be a Republican, especially in Michigan. The Party is broadening it's base and reaching you to build a majority Party that will last for generations.

I will be visiting several locations on April 5th to talk about grass roots involvement, and the vision and future of the Republican Party. At 3:30 p.m., I will be in Ann Arbor at Hale Auditorium, 904 Monroe (the corner of Hill and Tappan). At 6:30 p.m., I will speak at an event for Senator Nick Smith in Jackson at Lumen Christi High School located on 3483 Spring Arbor Road. At 7:30 p.m., I will be at Schoolcraft Community College in Livonia on Haggerty Road (between Six Mile Road and Seven Mile Road) to participate in a Republican Spring Rally.

The events in Ann Arbor and Livonia are free of charge, and you may contact the Michigan Opportunity Society at (313) 965-3230 for more details. The event in Jackson will be a fundraiser for Senator Nick Smith. Donations are \$20 per person and \$35 per couple. Please call Senator Nick Smith's office at (517) 573-2426 for more details.

In Michigan, you have many important races on the line in 1986. Get active, and help continue the Reagan Revolution at all levels of our political system. Start as a Precinct Delegate, and help the Republican Party to victory now and in the future.

Remember, in the end, it is our vision and ideas that set us apart from the other party. Our Opportunity Society can be a reality only with your help.

I look forward to seeing you on the 5th. Let's "Keep the Cause Alive!"

Sincerely,

Jack Kemp

P.S. Enclosed you will find two complimentary tickets for the Republican Spring Rally at Schoolcraft Community College. I hope to see you there.

ATTACHMENT 6

37040324014



Dear Kent County Republican:

I will be in Grand Rapids this Saturday, April 26, to attend a free event along with Senator Dick Posthumus. Senator Posthumus and I will be at the Midway Motor Lodge (4101 28th Street, S.E.) to participate in the Michigan Opportunity Society - Kent County Republican Rally beginning at 9:30 a.m.

Having previously been in Kent County, I know that it represents something very special. It represents the Reagan Revolution and the Republican realignment, because it is an area where Republicans are showing strength like never before. So I encourage you to make every effort to attend and continue reinforcing this strength in Kent County.

KEEP THE CAUSE ALIVE!

Sincerely,



Jack Kemp

NOT PRINTED AT GOVERNMENT EXPENSE

87040324015

KEANE FOR CONGRESS

The 31st Congressional District

56 TANGLEWOOD DRIVE

WEST SENECA, NEW YORK 14224

RECEIVED AT THE FEC
GCC # 9 SS
HAND DELIVERED
86 JUL 17 AM: 01
M 2204

July 17, 1986

Charles Steele
General Counsel
Federal Election Commission
999 E Street, Northwest
Washington, D.C. 20463

86 JUL 17 9:50
GENERAL COUNSEL

Dear Mr. Steele:

I recently initiated a landmark lawsuit in Federal District Court for the Western District of New York to prevent further illegal campaign finance activities on the part of Congressman Jack Kemp's Fund for the American Renaissance (FAR). The basis for the lawsuit is that FAR is nothing more than a thinly veiled campaign finance scheme designed to circumvent federal campaign finance limitation and reporting requirements.

It has now come to my attention, and I have been provided with substantial documentation, that Mr. Kemp is similarly conducting illegal campaign financing activities through the Michigan Opportunity Society ("MOS").

Accordingly, pursuant to 2 U.S.C. 437g(a) and 11 C.F.R. 111.47, this letter constitutes a complaint to the Federal Election Commission ("Commission") and alleges that Congressman Jack Kemp and the Michigan Opportunity Society have violated provisions of the Federal Election Campaign Act of 1971, as amended.

97040324016

Specifically, this complaint alleges that Mr. Kemp and the MOS (W. Clark Durant, Treasurer, 2300 Penobscott Bldg., Detroit, Michigan 48226 (313) 965-3230) have violated federal election laws which require all political committees supporting candidates for federal office to register with the Commission and to comply with its contribution and spending limitations and disclosure requirements.1

Further, it is alleged that the MOS has been authorized by Mr. Kemp to support his campaign for federal office. Since MOS undoubtedly has spent more than \$5,000 to advance Mr. Kemp's

1. Federal law defines "political committee" as "any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 or which makes expenditures aggregating in excess of \$1,000 during a calendar year." 11 C.F.R. 100.5(a). A "contribution" is deemed to include "anything of value made by any person for the purpose of influencing any election for Federal office." 11 C.F.R. 100.7(a) (1). "Expenditure" is similarly defined. 11 C.F.R. 100.8(a)(1). Political committees are required to register with the Commission (11 C.F.R. 102.1), and to file regular reports listing all contributions and expenditures. 11 C.F.R. 104.3. Limits are also placed on the amount of contributions from one source [2 U.S.C. 441a(a)] and the amount of expenditures the committee can make if it is an authorized campaign committee. [2 U.S.C. 441a(b)].

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Finally, the receipts and expenditures of a political committee engaging in work on behalf of an individual who subsequently announces his candidacy are attributed to that individual at the time of his announcement. 11 C.F.R. 100.(b) (1), 100.8(b)(1), 101.3.

87040324017

campaigns, all funds raised or expended by MOS should comply with Commission contribution and expenditure limitations set by Federal law. Moreover, all funds raised and expended by MOS should be counted against Mr. Kemp's spending limitations as required by law.

MOS has registered as a political committee in the State of Michigan, but has steadfastly refused to register with the Commission on the grounds that it is not supporting any candidate for federal office. This position is unsustainable in light of MOS's consistent and repeated statements and activities specifically promoting the candidacy of Mr. Kemp for federal office. Examples include the following:

(1) A memorandum from State Senator Dick Posthumus, MOS Co-Chairman, to Republican legislators (Attachment 1):

As most of us are currently focusing our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have joined with many other Republicans in Michigan to urge Congressman Jack Kemp to run for President in 1988. I am asking you to join with me in urging Jack Kemp to run; and if he does, support his efforts in Michigan and nationally....

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Attached you will find several recent news clippings with regard to Jack's efforts in Michigan and elsewhere. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America....

(2) A November 12, 1985 letter signed by Michigan State Senator Dick Posthumus (Attachment 2):

As most of us continue to focus our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race. Clark Durant and I have started recruiting supporters of Congressman Jack Kemp throughout the state....

Enclosed you will find a short summary of the precinct delegate process that is to take place and a biography of Jack Kemp. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America...

(3) An MOS press release dated September 18, 1985 (Attachment 3):

Today, as the Michigan GOP meets in its biennial leadership conference at Mackinac Island, two leading advocates for a Jack Kemp for President movement, Senator Dick Posthumus and Detroit Attorney W. Clark Durant, are announcing that seven of Michigan's eighteen Republican district chairs are joining them in urging Congressman Jack Kemp to run in 1988 and pledging their support....

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"While electing a Republican governor, maintaining our Senate majority, and achieving a House majority are the top priorities of 1986, we are hopeful that Congressman Kemp can be persuaded at the earliest possible date to run for President, which will be our top priority for 1988," said Posthumus and Durant....

Senator Posthumus, a veteran of many political battles in Michigan noted, "This early support will help make a Kemp candidacy a reality. Jack Kemp and his ideas will ensure that the Republican Party will truly be the Majority Party in American"....

(4) An MOS mass mailing signed by Karen L. Tubbs, the self-identified "Kemp Chair. Washtenaw Co."

You are cordially invited to attend a private reception with CONGRESSMAN JACK KEMP on Saturday, April 19 from 2:00 to 4:00 p.m. at the home of State Rep. Margaret O'Connor (4300 Saline Rd.).

The purpose of the meeting is two-fold. First, we wish to have a chance for supporters to personally meet the Congressman. The second, is to complete our gathering of precinct delegates to support the Congressman in 1988...

Bottom Line: If you do not become a precinct delgate, you will be completely shut-out from deciding who will be the next Republican Presidential nominee. This will be the person chosen to carry on the "Reagan Revolution"....

It is not a question of saying one thing and doing another. A segment of the April 8, 1986 McNeill-Lehrer News Hour, devoted to Michigan political activity, records the remarks of an MOS phone canvasser (Attachment 4):

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Judy Woodruff: To keep from being shut out, three men who are expecting to run for president in '88 have organizations working in their behalf, looking for Republicans who are willing to become precinct delegates, and who incidently are likely to support the right presidential candidate down the road.

Rose DaLoof: This is Rose DaLoof calling from the Republican Party 3rd District, (pause) have you considered being a precinct delegate? (pause) You never have, huh? (pause) Are you interested in promoting Kemp for president in '88. (Rose DaLoof is later described as 'working' for the Michigan PAC for Kemp.)

Because MOS has refused to register and file reports with the Commission, it has violated the law. The public has NO idea how much money MOS has raised, from whom it was raised, and how it is being spent. This runs totally contrary to public sentiment, congressional actions over the past dozen years and prohibition against such conduct set forth in the Act.

It is equally clear that Mr. Kemp has authorized and consented to these MOS activities in support of his campaign. Despite the highly publicized pro-Kemp statements of MOS leaders, Mr. Kemp has never disavowed their activities. Indeed, MOS schedules and publicizes his visits in Michigan. Their leaders travel with him throughout the state. Congressman Kemp himself refers persons interested in his Michigan schedule to MOS, or "our Opportunity Society" as he calls it. He has even personally solicited participation of Michigan Republicans in MOS activities (see Attachment 5 and 6).

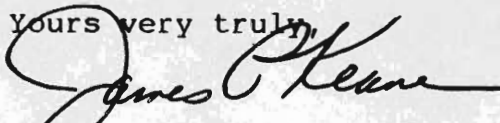
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This pattern of activity by Mr. Kemp and MOS is remarkably similar to that conducted by Mr. Kemp and on his behalf by FAR. Mr. Kemp and the entire FAR Board recently resigned in the aftermath of revelations concerning their improprieties.

It is requested that MOS be found to be a political committee, that it be required to register with the Commission and file all necessary reports and that it be subject to all applicable contribution, disclosure and spending limitations.

Further, it is requested that the Commission find that Mr. Kemp has authorized MOS to act on his behalf and in support of his campaign for Federal office and that he be subject to all reporting requirements and spending and contribution limits as required by Federal law.

Yours very truly,



JAMES P. KEANE
56 Tanglewood
West Seneca New York 14224
(716) 649-8471

Sworn to before me this

17th day of July, 1986


COMMISSIONER OF DEEDS

City of Buffalo, New York
My Commission Expires 12/31/86

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87040624023

ATTACHMENT 1

THE SENATE

STATE OF MICHIGAN

SENATOR DICK POSTHUMUS
ASSISTANT MAJORITY FLOOR LEADER

STATE CAPITAL
LANSING, MICHIGAN 48909
(517) 373-0787

MEMORANDUM

TO: Fellow Republican Legislators
FROM: Dick Posthumus
RE: Congressman Jack Kemp
DATE: October 1, 1985

As most of us are currently focusing our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have joined with many other Republicans in Michigan to urge Congressman Jack Kemp to run for President in 1988. I am asking you to join with me in urging Jack Kemp to run; and if he does, support his efforts in Michigan and nationally.

Seven of Michigan's eighteen Republican district chairs have already joined in urging Congressman Kemp to run in 1988. They represent the diversity of the Michigan Republican Party and demonstrate Kemp's charismatic appeal for many Michigan Republicans.

Attached you will find several recent news clippings with regard to Jack's efforts in Michigan and elsewhere. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America.

If you have any questions or comments, please give me a call. Thank you for your time and consideration.

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ATTACHMENT 2

THE SENATE
LANSING, MICHIGAN

SENATOR DICK POSTHUMUS
ASSISTANT MAJORITY FLOOR LEADER



STATE CAPITOL
LANSING, MICHIGAN 48206
(517) 373-0797

November 12, 1985

Dear

As most of us continue to focus our efforts on the 1986 campaign, preparations are already on their way for the 1988 presidential race. Clark Durant and I have started recruiting supporters of Congressman Jack Kemp throughout our state.

Michigan will hold the first caucus in the country in January of 1988. However, delegate selection will begin next spring. This early process forces us to at least begin preparing to ensure that the Republicans hold the White House for another eight years.

I have taken the responsibility of coordinating the congressional districts in Western Michigan. These include the 3rd, 4th, 5th, and 9th Congressional Districts.

As Republican County Chairs, I am asking you to help me get interested people involved. If you know of any individuals in your county who may be interested in helping Jack Kemp or would just like additional information, please let me know.

When appropriate, please make an announcement at your next county executive committee meeting or possibly mention something in your newsletter that interested parties can contact me.

Enclosed you will find a short summary of the precinct delegate process that is to take place and a biography of Jack Kemp. In my opinion, he represents the best opportunity the Republican Party has to ensure that we will truly be the Majority Party in America.

If you have any questions or comments, please give me or my Administrative Assistant, Saul Anuzis a call at (517) 373-0797. Thank you for your time and consideration.

Sincerely,

Dick Posthumus
Dick Posthumus

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ATTACHMENT 3

PRESS RELEASE

FOR IMMEDIATE RELEASE
SEPTEMBER 18, 1985 A.M.

For More Info Contact:
Senator Dick Posthumus
(517) 373-0797
W. Clark Durant
(313) 961-6800

Today, as the Michigan GOP meets in its biennial leadership conference at Mackinac Island, two leading advocates for a Jack Kemp for President movement, Senator Dick Posthumus and Detroit Attorney W. Clark Durant, are announcing that seven of Michigan's eighteen Republican district chairs are joining them in urging Congressman Kemp to run in 1988 and pledging their support.

Kemp will be the featured luncheon speaker at the weekend conference, where Michigan's top political leaders will meet to make plans for the coming elections.

"While electing a Republican governor, maintaining our Senate majority, and achieving a House majority are the top priorities of 1985, we are hopeful that Congressman Kemp can be persuaded at the earliest possible date to run for President, which will be our top priority for 1988," said Posthumus and Durant.

The seven district chairs announcing today their support for Kemp represent the diversity of the Michigan Republican Party. Al May, 18th District Chair; Dovie Pickett, 13th District Chair; and Michael Legg, 2nd District Chair, all supporters of George Bush's 1980 presidential bid, have joined with Mark Koldys, Chairman of the Michigan Conservative Union and 16th District Chair, to urge Congressman Kemp to run.

Other chairmen joining the "Draft Kemp" movement include Duane Hillar, 8th District Chair; Terry Gilsenan, 14th District Chair; and Mike Cassa, 17th District Chair.

"The willingness of so many district chairmen to come out so early reflects the tremendous opportunity for the party to continue the Reagan Revolution," said Durant, appointed by Reagan to be Chairman of the Board of the Legal Services Corporation. "Kemp's support is solid and growing."

Senator Posthumus, a veteran of many political battles in Michigan noted, "This early support will help make a Kemp candidacy a reality. Jack Kemp and his ideas will ensure that the Republican Party will truly be the Majority Party in America."

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ATTACHMENT 4



MICHIGAN OPPORTUNITY SOCIETY

2300 PENOBSCOT BLDG. DETROIT, MICHIGAN 48226 • (313) 965-3230

April 10, 1986

Dear Friend,

You are cordially invited to attend a private reception with CONGRESSMAN JACK KEPP on Saturday, April 19 from 2:00 to 4:00 p.m. at the home of State Rep. Margaret O'Connor (4300 Saline Rd.)

The purpose of the meeting is two-fold. First, we wish to have a chance for supporters to personally meet the Congressman.

The second, is to complete our gathering of precinct delegates to support the Congressman in 1988.

Because of campaign law changes, only precinct delegates will be allowed to vote in the '88 caucuses.

Bottom Line: If you do not become a precinct delegate you will be completely shut-out from deciding who will be the next Republican Presidential nominee. This will be the person chosen to carry on the "Reagan Revolution".

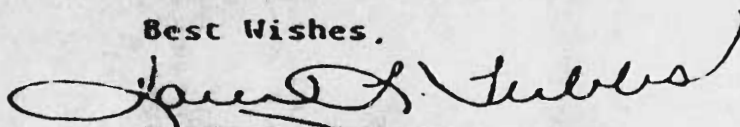
On Saturday, we will have delegate petitions and precinct maps available for you. Plus, instruction will be given regarding the role and responsibilities of being a precinct delegate.

As an additional attraction, we have been informed that Federal Reserve Board Trustee, Martha Seger, will be joining us.

So make plans to join us on the 19th as we move closer to the May 27th filing deadline. Together, we will continue the "prairie-fire" begun six years ago with the election of President Reagan.

If there is anything I can do for you in the meantime, please do not hesitate to contact me at 572-1842.

Best Wishes,


KAREN L. TUBBS
Kepp Chair, Washtenaw Co.

We need your help. Hope to see you

TRANSCRIPT FROM MACNEIL-LEHRER

4-8-86

8 7 0 4 0 6 2 4 0 3 1
Judy Woodruff: To keep from being shut out, three men who are expecting to run for president in '88 have organizations working in their behalf, looking for Republicans who are willing to become precinct delegates, and who incidently are likely to support the right presidential candidate down the road.

Rose DaLoof: This is Rose DaLoof calling from the Republican Party 3rd District, (pause) have you considered being a precinct delégate? (pause) You never have huh? (pause) Are you interested in promoting Kemp for president in '88. (Rose DaLoof is later described as 'working' for the Michigan PAC for Kemp)

Judy Woodruff: The man volunteer Rose DaLoof is pushing, however, has not yet announced he is even running.

Judy Woodruff: Even so, three organizations have been set up to advance Kemp's ideas and political standing. A Political Action Committee in Michigan which Rose DaLoof works with. A national Political Action Committee, which raises money, among other things,

to help Republicans get elected around the country. And a tax-exempt foundation. Kemp's advisors say that ever since Jimmy Carter ran for President, this kind of early organization is a must.

Roger Stone: It's not a wholesale game, it's a retail game. If you want to compete, ~~you've got to compete~~, you've got to go out and recruit. And in many times you'll, as Carter demonstrated, the candidate that gets there first, with the appropriate message, and the right amount of work gets the key people, gets the key dollars, gets the key positions. In other words, if you want to have a shot, you've got to score early or die, and the candidate who decides to wait, is the candidate who gets left at the gate.

Judy Woodruff: What Kemp has not done however, is set up any sort of an organization that makes him subject to the spending limits and public disclosure requirements that announced candidates for president are forced to abide by. The same is true for TV Evangelist Pat Robertson who says only that he is thinking about running for president. Just in case he decides to, he is being helped by a Political Action Committee. There is also a non-partisan political group called the Freedom Council. It's director says Robertson will be coming to Michigan at least half a dozen times in the next six months. Why? To boost the Council's effort to elect Republican precinct delegates sympathetic to the Christian cause.

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ATTACHMENT 5



JACK KEMP

March 24, 1986

Dear Michigan Republican,

Now is an exciting time to be a Republican, especially in Michigan. The Party is broadening it's base and reaching you to build a majority Party that will last for generations.

I will be visiting several locations on April 5th to talk about grass roots involvement, and the vision and future of the Republican Party. At 3:30 p.m., I will be in Ann Arbor at Hale Auditorium, 904 Monroe (the corner of Hill and Tappan). At 6:30 p.m., I will speak at an event for Senator Nick Smith in Jackson at Lumen Christi High School located on 3483 Spring Arbor Road. At 7:30 p.m., I will be at Schoolcraft Community College in Livonia on Haggerty Road (between Six Mile Road and Seven Mile Road) to participate in a Republican Spring Rally.

The events in Ann Arbor and Livonia are free of charge, and you may contact the Michigan Opportunity Society at (313) 965-3230 for more details. The event in Jackson will be a fundraiser for Senator Nick Smith. Donations are \$20 per person and \$35 per couple. Please call Senator Nick Smith's office at (517) 373-2426 for more details.

In Michigan, you have many important races on the line in 1986. Get active, and help continue the Reagan Revolution at all levels of our political system. Start as a Precinct Delegate, and help the Republican Party to victory now and in the future.

Remember, in the end, it is our vision and ideas that set us apart from the other party. Our Opportunity Society can be a reality only with your help.

I look forward to seeing you on the 5th. Let's "Keep the Cause Alive!"

Sincerely,

Jack Kemp

P.S. Enclosed you will find two complimentary tickets for the Republican Spring Rally at Schoolcraft Community College. I hope to see you there.

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ATTACHMENT 6



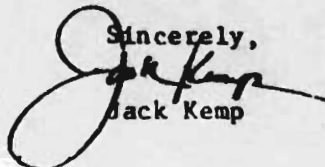
Dear Kent County Republican:

I will be in Grand Rapids this Saturday, April 26, to attend a free event along with Senator Dick Posthumus. Senator Posthumus and I will be at the Midway Motor Lodge (4101 28th Street, S.E.) to participate in the Michigan Opportunity Society - Kent County Republican Rally beginning at 9:30 a.m.

Having previously been in Kent County, I know that it represents something very special. It represents the Reagan Revolution and the Republican realignment, because it is an area where Republicans are showing strength like never before. So I encourage you to make every effort to attend and continue reinforcing this strength in Kent County.

KEEP THE CAUSE ALIVE!

Sincerely,



Jack Kemp

NOT PRINTED AT GOVERNMENT EXPENSE

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FEDERAL ELECTION COMMISSION

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

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