



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON DC 20463

THIS IS THE END OF MUR # 1637

Date Filmed 3/5/86 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

All routing cards

All proposed requests for additional information from the Reports Analysis Division

12 Day Report and Comment Sheets

Commissioner objection memos

Letters bearing staff's initials

12 Day Pre-Brief Reports and Comment Sheets

All documents and original pages of reports dealing with Conciliation including General Counsel's Report dated 5/21/85

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):

8604071350

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

Signed Marybeth Tarant
date 3/3/86



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 24, 1985

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green
1140 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 1637

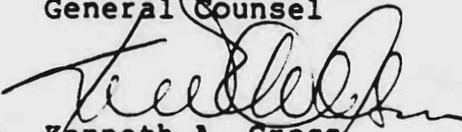
Dear Mr. Oldaker:

This is to advise you that the entire file in this matter has now been closed and will become part of the public record within thirty days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with this matter, please do so within 10 days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
The Committee to Re-elect)	MUR 1637
Senator Kennedy and as)	
treasurer, John F. Zamparelli)	

05 NOV 85 P12:39

OFFICE OF THE FEDERAL ELECTION COMMISSION SECRETARY

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 22, 1984, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:

- a) Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE");
- b) Sheet Metal Workers International Association Political Action League ("SMWIAPAL").

On January 23, 1985, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli violated 11 C.F.R. § 104.14(d).

On September 16, 1985, the Office of General Counsel sent the Kennedy Committee a brief, setting out the factual and legal analysis of the issues.

The Kennedy Committee received the following contributions in question for the 1982 primary election:

2531750P090

<u>Contributor</u>	<u>Amount</u>	<u>Date of Contribution</u>	<u>Designation Reported by Contributor</u>	<u>Date of Kennedy Receipt</u>	<u>Designation Reported by Recipient</u>
EPEC/IUOE	\$5,000	05-26-81	Primary	06-08-81	Primary
	\$2,500	06-09-82	Primary	06-24-82	General
SMWIAPAL	\$1,000	04-23-81	Primary	05-18-81	Primary
	\$4,000	05-19-81	Primary	08-10-81	Primary
	\$5,000	06-29-81	Primary	07-14-82	General

The Primary in Massachusetts was held September 14, 1982.

The Kennedy Committee and SMWIAPAL

SMWIAPAL made three pre-primary contributions to the Kennedy Committee which SMWIAPAL reported as designated to the primary election. Notations on two of the three pre-primary contributions from SMWIAPAL (\$4,000 dated May 19, 1981, and \$5,000 dated June 29, 1982) specify "Primary" on the checks, clearly communicating primary election contributions. The Kennedy Committee reported the \$5000 contribution dated June 29, 1982, as designated for the general election. It is indisputable that the June 1982 contribution of \$5000 was made before the primary election; it was received on the date of the primary; and it was marked as a contribution to the primary.

The Kennedy Committee and EPEC/IUOE

EPEC/IUOE reported designations of its two pre-primary contributions of \$5,000 dated May 26, 1981 and \$2,500 dated June 9, 1982, as contributions for the primary election. EPEC/IUOE did not communicate an election designation to the Kennedy Committee. The contributions were made before the primary without accompanying written designations.

II. ANALYSIS OF RESPONDENT'S BRIEF

In a response brief, counsel for the Kennedy Committee acknowledged the Committee's receipt of the contributions noted above, but denied that any contributions were accepted in excess of the \$5,000 limit per election set forth at 2 U.S.C. § 441a(a)(2)(A).

The Kennedy Committee stated that "at considerable expense and effort, [Respondents] established a system to monitor and report all contributions made to the 1982 Committee." The brief stated that the Kennedy Committee maintained bank accounts to separate primary election contributions and expenditures from the general election financial activity.

According to the Kennedy brief, when the contributions were not specifically designated for a particular election, the Kennedy Committee would deposit the first \$5,000 into its primary election account and any additional contributions up to \$5,000 in its general election account. The Kennedy Committee stated that following this attribution, it "would write to the contributor political committee to confirm that such an allocation was intended by the contributor." The Committee provided no evidence of this effort to document its allocations.

The Kennedy Committee stated that multicandidate committees often make their entire "election-cycle" contributions before the primary and that the issue here is incorrect reporting of

election designations by contributing committees rather than instances of excessive contribution violations.

To support its contention, the Committee argued that the contributions were "designated" by the Respondents in a manner consistent with Commission regulations at 11 C.F.R. § 102.9(e):

... the Respondents herein, utilizing procedures characterized as "acceptable methods" in the Commission's regulations [11 C.F.R. § 102.9(e)], designated for deposit in the Committee's general election account campaign contributions in excess of the limit on primary contributions, regardless of whether the contributors through oversight or inaccurate bookkeeping may have reported or noted such contributions as primary contributions. [Emphasis added.]

In addition, the Kennedy brief relies on the regulations to refute that the Committee knowingly accepted excessive contributions:

Far from "knowingly accepting" excessive contributions for use in the primary election, the Respondents in good faith and following the Commission's regulatory guidance, designated contributions as general election contributions where appropriate. In these circumstances, because the Committee itself prevented the "actual or apparent corruption of the political process" which the Act was designed to prevent, there exists no basis for finding that the knowing violation addressed by the Act was committed.

The Office of General Counsel maintains the position that the recipient committee cannot, without consent of the contributor, treat a contribution received before the primary as a general election contribution. (See 11 C.F.R. § 110.1(a)(2)). Although 11 C.F.R. § 102.9(e) (which requires separate accounting

to distinguish between primary and general election contributions received before the primary) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) for use in connection with the general election," this phrase should not be construed as permission for the recipient committee to assign contributions to a particular election. Such independent designation by the recipient committee, in this instance the Kennedy Committee, could contravene both the contributor's intent as well as the rules for designated and undesignated contributions at 11 C.F.R. § 110.1(a)(2).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

The Commission consistently has stated that based on the regulation at 11 C.F.R. § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation

will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

The Commission has supported the view that despite the confusing language of 11 C.F.R. § 102.9(e), this regulation should not be interpreted to mean that the recipient can determine election designations. However, in application, the Commission has twice declined to proceed against a recipient committee when that committee specifically argued that 11 C.F.R. § 102.9(e) was its authority for assigning contribution designations. In MUR 1648 (the Riegler case) and in the ongoing MUR 1696 (the Sarbanes Committee), the Commission found reason to believe and subsequently closed the file rather than finding probable cause against the recipient candidate committees. Both recipient committees successfully argued that their designations of receipts to primary or general elections were made pursuant to 11 C.F.R. § 102.9(e) in an effort to avoid violations of 2 U.S.C. § 441a(f).

The Office of General Counsel reaffirms its position regarding the intent of the regulation at 11 C.F.R. § 102.9(e). However, based on the Commission's actions in two very similar cases noted above, we are recommending that the Commission take no further action and close the file as it relates to the Kennedy

Committee for violations of 2 U.S.C. § 441a(f) and concomitantly, of 11 C.F.R. § 104.14(d) in this matter.

III. RECOMMENDATIONS

1. Take no further action against the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer, for the following violations:

a) 2 U.S.C. § 441a(f);

b) 11 C.F.R. § 104.14(d).

2. Close the file as it relates to the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer.

3. Send the attached letter.

Charles N. Steele
General Counsel

Jan 4, 1985
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments
Respondents' Brief
Letter to Respondents

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

85 NOV 7 P 1:16

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

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

SUBJECT: Errata - MUR 1637

This is to correct two errors in the report of the Kennedy Committee in this MUR. The report was circulated on November 5, 1985.

On page 2 of the report, the date of SMWIAPAL's \$5,000 contribution should be 6-29-82.

Also on page 2, the final sentence in the first full paragraph should indicate that the \$5,000 contribution was received before the primary rather than on the primary date.

The corrected page 2 is attached for recirculation.

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<u>Contributor</u>	<u>Amount</u>	<u>Date of Contribution</u>	<u>Designation Reported by Contributor</u>	<u>Date of Kennedy Receipt</u>	<u>Designation Reported by Recipient</u>
EPEC/IUOE	\$5,000	05-26-81	Primary	06-08-81	Primary
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The Kennedy Committee and SMWIAPAL

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The Kennedy Committee and EPEC/IUOE

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 20, 1985

Michael Avakian
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, VA 22151

Re: MUR 1637

Dear Mr. Avakian:

This is in reference to the complaint you filed with the Commission on March 1, 1984 alleging violations of the Federal Election Campaign Act of 1971, as amended ("the Act") by the following persons: the Committee to Re-elect Senator Kennedy and John F. Zamparelli and Bob Fitzgerald, as treasurers; the AFL-CIO Committee on Political Education Political Contributions Committee and Thomas R. Donahue, as treasurer; Industrial Union Department, AFL-CIO Voluntary Fund and Elmer Chatak, as treasurer; Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer; International Ladies Garment Workers Union Campaign Committee and Lawrence Dock, as treasurer, and Sheet Metal Workers International Political Action League and Davis Turner and Cecil D. Clay, as treasurers.

On May 22, 1984 the Commission found no reason to believe the following persons violated the Act: the AFL-CIO Committee on Political Education Political Contributions Committee and its treasurer; International Ladies Garment Workers Union Campaign Committee and its treasurer; and the Industrial Union Department AFL-CIO Victory Fund and its treasurer. Enclosed is a copy of the General Counsel's Report dated May 14, 1984 which formed a basis of the General Counsel's recommendations.

The Commission also determined that there was reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers and its treasurer violated 2 U.S.C. § 441a(a)(2)(A). On August 7, 1985



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 1985

Michael R. Fanning, Esquire
Engineers Political Education Committee
of the International Union of
Operating Engineers
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MURs 1696 and 1637
EPEC/IUOE
Frank Hanley, as treasurer

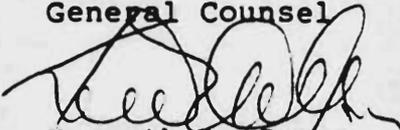
Dear Mr. Fanning:

This is to advise you that the entire files in these matters have now been closed and will become part of the public record within thirty days. Should you wish to submit any legal or factual materials to be placed on the public record in connection with these matters, please do so within 10 days.

Should you have any questions, contact Frances B. Hagan, the staff member assigned to this matter, at (202) 376-8200.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 1985

Krista M. Fogleman, Esquire
Rogovin, Huger and Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1637
Sheet Metal Workers
International Association
Political Action League
Cecil D. Clay, as treasurer

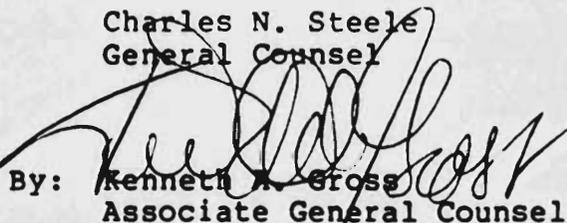
Dear Ms. Fogleman:

On November 20, 1985, the Commission accepted the conciliation agreement you signed and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client, and it will become a part of the public record within thirty days. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel

By: 
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

1. SMWIAPAL is a multicandidate committee with Cecil D. Clay as treasurer.

2. Respondent made the following contributions to the Kennedy Committee for the 1982 primary election:

<u>AMOUNT OF CONTRIBUTION</u>	<u>DATE</u>	<u>DESIGNATION BY CONTRIBUTOR</u>
\$1,000	4-23-81	Primary
\$4,000	5-19-81	Primary
\$5,000	6-29-82	Primary

3. The Massachusetts primary election was held September 14, 1982.

4. The contributions were made by Respondent and received by the Kennedy Committee prior to the 1982 Massachusetts primary.

5. 2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which, in the aggregate, exceed \$5,000.

6. 11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution.

7. 11 C.F.R. § 110.1(a) further provides that contributions not designated in writing by a contributor for a particular election are attributable to the primary election if made on or before the date of the primary election and are attributable

to the general election if made after the date of the primary election.

8. Although Respondent's contributions were allocated by the Kennedy Committee in accordance with the limitation of 2 U.S.C. § 441a(a)(2)(A), ^{Respondent contends that} the contributions were erroneously designated in writing by Respondent for the primary election, due to a clerical error. ✓

9. In accordance with 11 C.F.R. 110.1(a)(2), Respondent's contributions to the Kennedy Committee are considered contributions for the 1982 primary.

10. Respondent's contributions to the Kennedy Committee totaled \$10,000.

V. As a result of Respondent's ~~erroneous~~ designation of the contribution made on June 29, 1982 as a contribution for the primary election, Respondent made an excessive contribution of \$5,000 to the Kennedy Committee in violation of 2 U.S.C. 441a(a)(2)(A). ✓

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of one thousand dollars (\$1,000), pursuant to 2 U.S.C. 437g(a)(5)(A).

VII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement

or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

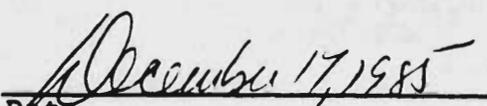
FOR THE COMMISSION:

Charles N. Steele
General Counsel

BY:

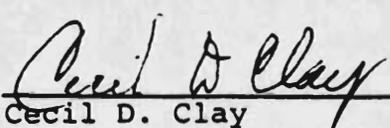


Kenneth A. Gross
Associate General Counsel

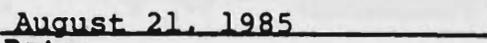


Date

FOR THE RESPONDENT:



Cecil D. Clay
General Secretary-Treasurer
Sheet Metal Workers' International
Association Political Action
League



August 21, 1985
Date

060405 / 1367

CCC# 8374

MEMORANDUM

TO: RETHA DIXON

TO: JOAN HARRIS

FROM: JOAN HARRIS

FROM: RETHA DIXON

CHECK NO. 1423 (a copy of which is attached) RELATING

TO-MUR 1637 AND NAME Sheet Metal Workers' Association
Political Action League

WAS RECEIVED ON August 23, 1985. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

1* / BUDGET CLEARING ACCOUNT (#95F3875.16)

/ / CIVIL PENALTIES ACCOUNT (#95-1099.160)

/ / OTHER _____

SIGNATURE Robyn M Bishop DATE 8-23-85

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Sheet Metal Workers'	)	MUR 1637
International Association)	
Political Action League)	
Cecil D. Clay, as treasurer)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on November 20, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1637:

1. Accept the conciliation agreement attached to the General Counsel's Report signed November 15, 1985.
2. Close the file.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

11-20-85
Date

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

Received in Office of Commission Secretary:	Fri.,	11-15-85,	4:26
Circulated on 48 hour tally basis:	Mon.,	11-18-85,	11:00
Deadline for vote:	Wed.,	11-20-85,	11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 15, 1985

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, N.W.
Suite 900
Washington, D. C. 20036

RE: MUR 1637
Committee to Re-elect Senator
Kennedy
John F. Zamparelli, as
treasurer

Dear Mr. Oldaker:

On May 22, 1984, the Commission found reason to believe that your clients had violated 2 U.S.C. § 441a(f) and on January 23, 1985, the Commission found reason to believe that your clients violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and on November 13, 1985, closed its file as it pertains to your clients.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

060170 / 370

Letter To William C. Oldaker, Esquire
Page 2

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

0604071371

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Committee to Re-elect) MUR 1637
Senator Kennedy and as)
treasurer, John F.)
Zamparelli)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of November 13, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1637:

1. Take no further action against the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer, for violations of 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d).
2. Close the file as it relates to the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer.
3. Send the letter attached to the General Counsel's report dated November 4, 1985.

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

Attest:

11-13-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: November 7, 1985
SUBJECT: MUR 1637 - Errata Memo

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

CIRCULATIONS

DISTRIBUTION

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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SECRETARY

05 NOV 7 P 1:16

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: Errata - MUR 1637

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This is to correct two errors in the report of the Kennedy Committee in this MUR. The report was circulated on November 5, 1985.

On page 2 of the report, the date of SMWIAPAL's \$5,000 contribution should be 6-29-82.

Also on page 2, the final sentence in the first full paragraph should indicate that the \$5,000 contribution was received before the primary rather than on the primary date.

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<u>Contributor</u>	<u>Amount</u>	<u>Date of Contribution</u>	<u>Designation Reported by Contributor</u>	<u>Date of Kennedy Receipt</u>	<u>Designation Reported by Recipient</u>
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	\$2,500	06-09-82	Primary	06-24-82	General
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The Primary in Massachusetts was held September 14, 1982.

The Kennedy Committee and SMWIAPAL

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel [initials]
DATE: November 5, 1985
SUBJECT: MUR 1637 - General Counsel's Report

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

CIRCULATIONS

DISTRIBUTION

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

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
The Committee to Re-elect)	MUR 1637
Senator Kennedy and as)	
treasurer, John F. Zamparelli)	

OF THE S P12: 39

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 22, 1984, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:

- a) Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE");
- b) Sheet Metal Workers International Association Political Action League ("SMWIAPAL").

On January 23, 1985, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli violated 11 C.F.R. § 104.14(d).

On September 16, 1985, the Office of General Counsel sent the Kennedy Committee a brief, setting out the factual and legal analysis of the issues.

The Kennedy Committee received the following contributions in question for the 1982 primary election:

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<u>Contributor</u>	<u>Amount</u>	<u>Date of Contribution</u>	<u>Designation Reported by Contributor</u>	<u>Date of Kennedy Receipt</u>	<u>Designation Reported by Recipient</u>
EPEC/IUOE	\$5,000	05-26-81	Primary	06-08-81	Primary
	\$2,500	06-09-82	Primary	06-24-82	General
SMWIAPAL	\$1,000	04-23-81	Primary	05-18-81	Primary
	\$4,000	05-19-81	Primary	08-10-81	Primary
	\$5,000	06-29-81	Primary	07-14-82	General

The Primary in Massachusetts was held September 14, 1982.

The Kennedy Committee and SMWIAPAL

SMWIAPAL made three pre-primary contributions to the Kennedy Committee which SMWIAPAL reported as designated to the primary election. Notations on two of the three pre-primary contributions from SMWIAPAL (\$4,000 dated May 19, 1981, and \$5,000 dated June 29, 1982) specify "Primary" on the checks, clearly communicating primary election contributions. The Kennedy Committee reported the \$5000 contribution dated June 29, 1982, as designated for the general election. It is indisputable that the June 1982 contribution of \$5000 was made before the primary election; it was received on the date of the primary; and it was marked as a contribution to the primary.

The Kennedy Committee and EPEC/IUOE

EPEC/IUOE reported designations of its two pre-primary contributions of \$5,000 dated May 26, 1981 and \$2,500 dated June 9, 1982, as contributions for the primary election. EPEC/IUOE did not communicate an election designation to the Kennedy Committee. The contributions were made before the primary without accompanying written designations.

II. ANALYSIS OF RESPONDENT'S BRIEF

In a response brief, counsel for the Kennedy Committee acknowledged the Committee's receipt of the contributions noted above, but denied that any contributions were accepted in excess of the \$5,000 limit per election set forth at 2 U.S.C. § 441a(a)(2)(A).

The Kennedy Committee stated that "at considerable expense and effort, [Respondents] established a system to monitor and report all contributions made to the 1982 Committee." The brief stated that the Kennedy Committee maintained bank accounts to separate primary election contributions and expenditures from the general election financial activity.

According to the Kennedy brief, when the contributions were not specifically designated for a particular election, the Kennedy Committee would deposit the first \$5,000 into its primary election account and any additional contributions up to \$5,000 in its general election account. The Kennedy Committee stated that following this attribution, it "would write to the contributor political committee to confirm that such an allocation was intended by the contributor." The Committee provided no evidence of this effort to document its allocations.

The Kennedy Committee stated that multicandidate committees often make their entire "election-cycle" contributions before the primary and that the issue here is incorrect reporting of

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election designations by contributing committees rather than instances of excessive contribution violations.

To support its contention, the Committee argued that the contributions were "designated" by the Respondents in a manner consistent with Commission regulations at 11 C.F.R. § 102.9(e):

... the Respondents herein, utilizing procedures characterized as "acceptable methods" in the Commission's regulations [11 C.F.R. § 102.9(e)], designated for deposit in the Committee's general election account campaign contributions in excess of the limit on primary contributions, regardless of whether the contributors through oversight or inaccurate bookkeeping may have reported or noted such contributions as primary contributions. [Emphasis added.]

In addition, the Kennedy brief relies on the regulations to refute that the Committee knowingly accepted excessive contributions:

Far from "knowingly accepting" excessive contributions for use in the primary election, the Respondents in good faith and following the Commission's regulatory guidance, designated contributions as general election contributions where appropriate. In these circumstances, because the Committee itself prevented the "actual or apparent corruption of the political process" which the Act was designed to prevent, there exists no basis for finding that the knowing violation addressed by the Act was committed.

The Office of General Counsel maintains the position that the recipient committee cannot, without consent of the contributor, treat a contribution received before the primary as a general election contribution. (See 11 C.F.R. § 110.1(a)(2)). Although 11 C.F.R. § 102.9(e) (which requires separate accounting

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to distinguish between primary and general election contributions received before the primary) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) for use in connection with the general election," this phrase should not be construed as permission for the recipient committee to assign contributions to a particular election. Such independent designation by the recipient committee, in this instance the Kennedy Committee, could contravene both the contributor's intent as well as the rules for designated and undesignated contributions at 11 C.F.R. § 110.1(a)(2).

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

The Commission consistently has stated that based on the regulation at 11 C.F.R. § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation

will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

The Commission has supported the view that despite the confusing language of 11 C.F.R. § 102.9(e), this regulation should not be interpreted to mean that the recipient can determine election designations. However, in application, the Commission has twice declined to proceed against a recipient committee when that committee specifically argued that 11 C.F.R. § 102.9(e) was its authority for assigning contribution designations. In MUR 1648 (the Riegle case) and in the ongoing MUR 1696 (the Sarbanes Committee), the Commission found reason to believe and subsequently closed the file rather than finding probable cause against the recipient candidate committees. Both recipient committees successfully argued that their designations of receipts to primary or general elections were made pursuant to 11 C.F.R. § 102.9(e) in an effort to avoid violations of 2 U.S.C. § 441a(f).

The Office of General Counsel reaffirms its position regarding the intent of the regulation at 11 C.F.R. § 102.9(e). However, based on the Commission's actions in two very similar cases noted above, we are recommending that the Commission take no further action and close the file as it relates to the Kennedy

Committee for violations of 2 U.S.C. § 441a(f) and concomitantly, of 11 C.F.R. § 104.14(d) in this matter.

III. RECOMMENDATIONS

1. Take no further action against the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer, for the following violations:

a) 2 U.S.C. § 441a(f);

b) 11 C.F.R. § 104.14(d).

2. Close the file as it relates to the Committee to Re-elect Senator Kennedy and John F. Zamparelli, as treasurer.

3. Send the attached letter.

Charles N. Steele
General Counsel

Jan 4 1965
Date

By:

Kenneth A. Gross
Associate General Counsel

Attachments

Respondents' Brief
Letter to Respondents

Hagar

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of:)
)
 COMMITTEE TO REELECT)
 SENATOR KENNEDY;) MUR 1367
 JOHN F. ZAMPARELLI,)
 as Treasurer)
 _____)

NOT ? P4:35

BRIEF OF THE COMMITTEE TO REELECT SENATOR KENNEDY AND JOHN F. ZAMPARELLI AS TREASURER

I. Introduction

On May 22, 1984, the Federal Election Commission (the "FEC" or the "Commission") found reason to believe that the Committee to Reelect Senator Kennedy (the "Committee") and John F. Zamparelli, as Treasurer (collectively, the "Respondents") violated 2 U.S.C. § 441a(f) by knowingly accepting during the 1982 primary election campaign contributions from multi-political candidate committees which, in the aggregate, exceeded \$5,000 in contravention of the prohibition of 2 U.S.C. § 441a(a)(2)(A). Not only are the Commission's conclusions factually and legally inaccurate, the Commission during conciliation arbitrarily and capriciously insisted that this matter could be settled only if the Committee made a totally unprecedented refund and paid a civil penalty twenty-five times that which the Commission has required in the only other case where such a penalty has been imposed. In other words, despite the demonstrably insupportable "reason-to-believe" finding, the Commission, for reasons known only to that body, clearly seeks to inflict upon the Committee and Mr. Zamparelli a

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Attachment A (1)

Draconian penalty which it heretofore has imposed on no other candidate, committee or staff.

II. Factual Background

The complaint in this case alleged, inter alia, that Respondents knowingly accepted for the 1982 federal primary election an aggregate of \$7,500 in contributions from the Engineers Political Education Committee/International Union of Operating Engineers, (hereinafter "EPEC/IUOE"), and an aggregate amount of \$10,000 from the Sheet Metal Workers International Association Political Action League (hereinafter "SMWIAPAL"), both in violation of the \$5,000 statutory limitation. Although Respondents acknowledge that contributions from those organizations were accepted by the Committee in 1981-82, Respondents deny that any such contributions were accepted (knowingly or otherwise) in excess of the \$5,000.00 multicandidate political committee contribution limit per election set forth in 2 U.S.C. § 441a(a)(2).

To ensure compliance with the Federal Election Campaign Act and the regulations promulgated thereunder, Respondents, at considerable expense and effort, established a system to monitor and report all contributions made to the 1982 Committee. Respondents maintained separate bank accounts for both the primary and the general election, and deposited contributions and made disbursements accordingly.

A(2)

Pursuant to the Act and regulations, multi-candidate political committees are allowed to contribute a maximum of \$10,000 to a candidate in a full election cycle (contributions of \$5,000 for the primary election and \$5,000 for the general election). As the Commission is aware, these political committees can, and often do, make their entire "election-cycle" contributions prior to the date of the primary election. While some contributions are accompanied by letters explicitly designating the contribution for a particular (i.e., primary or general) election, many contributions are designated simply for "the Kennedy elections effort" or by similar language.

In the latter situation, or where the contributor through an apparent oversight designated more than \$5,000 for the primary, the Committee's standard practice, consistent with the Commission's regulations,^{1/} was to deposit the first

^{1/} 11 C.F.R. § 102.9(e) provides:

If the candidate, or his or her authorized committee(s), receives contributions prior to the date of the primary election, which contributions are designated by the candidate or his or her authorized committee(s) for use in connection with the general election, such candidate or such committees shall use an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election. Acceptable methods include, but are not limited to: (1) The designation of separate accounts for each election, caucus, or convention and (2) the establishment of separate books and records for each election.

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\$5,000 contributed by a multi-candidate political committee into the Committee's primary account and to deposit any excess contributions, up to the \$5,000 limit, in its general account for general election expenditures. Concurrently, the Committee would write to the contributor political committee to confirm that such an allocation was intended by the contributor. This internal contribution-monitoring system, which was strictly adhered to, was designed to prevent, and did prevent, the Committee's acceptance of contributions over the statutory limits and assured proper allocation of contributions between the primary and general elections.

EPEC/IUOE made two contributions to the Committee (\$5000 in May of 1981 and \$2500 in June of 1982.) SMWIAPAL made three contributions: \$1000 and \$4000 in April and May of 1981, respectively, and \$5000 in June of 1982. Thus, with respect to the 1982 primary election, the Committee could not have accepted the 1982 contribution of each of these two contributors without violating section 441a(f). Significantly, however, neither EPEC/IUOE nor SMWIAPAL tendered or made contributions in excess of the \$10,000 election cycle limitation on contributions to both the primary and general elections. And by designating the two contributors' 1982 contributions as contributions to the general election, and by confirming these

designations with the contributors as described above, the Committee ensured that those 1982 contributions were neither made nor accepted with respect to the primary election.

Accordingly, although EPEC/IUOE and SMWIAPAL may have incorrectly reported their 1982 contributions as primary contributions, the Committee did not accept them on that basis. On the contrary, the Committee's designation and deposit of those 1982 contributions into its general election bank account obviated the possibility that those contributions could in any way provide a source of funding for expenditures during the primary.

III. The Conduct of the Respondents in This Case Does not Violate the Act

Decisions applying or interpreting 2 U.S.C. § 441a have made it clear that the limitations and prohibitions contained therein were designed to prevent "actual or apparent corruption of the political process." See California Medical Association v. Federal Election Commission, 453 U.S. 182, 197 (1981). In the instant case, the Committee's conduct itself prevented, rather than promoted, any such apparent or actual corruption.

In order to find that the Respondents violated the Act as alleged, the Commission would have to find that they knowingly accepted contributions in excess of \$5000 from multi-candidate committees for the 1982 primary election. 2 U.S.C.

441a(f) and (a)(2)(A). As shown above, however, the Respondents herein, utilizing procedures characterized as "acceptable methods" in the Commission's regulations [11 C.F.R. § 102.9(e)], designated for deposit in the Committee's general election account campaign contributions in excess of the limit on primary contributions, regardless of whether the contributors through oversight or inaccurate bookkeeping may have reported or noted such contributions as primary contributions.

Clearly, the Respondents' procedures ensured that the evil which the Act sought to eliminate was avoided. Far from "knowingly accepting" excessive contributions for use in the primary election, the Respondents in good faith and following the Commission's regulatory guidance, designated contributions as general election contributions where appropriate. In these circumstances, because the Committee itself prevented the "actual or apparent corruption of the political process" which the Act was designed to prevent, there exists no basis for finding that the knowing violation addressed by the Act was committed. The complaint should, therefore, be dismissed.

IV. The Remedies and Penalties Which the Commission Seeks to Impose in This Case Demonstrate That the Commission is Violating Respondents' Right to Equal Protection of the Laws.

As the court made clear in Camacho v. Bowling, 562 F. Supp. 1012 (N.D. Ill. 1983):

A(6)

Equal protection, in a general sense, guarantees that similarly situated individuals will be dealt with in a similar manner by the government. Louisa ex rel. Francis v. Resweber, 329 U.S. 459, reh. denied 330 U.S. 853 (1947); Louisville Gas & Electric Co. v. Coleman, 277 U.S. 32 (1928); Barbier v. Connolly, 113 U.S. 27 (1885).

In the administrative context, equal protection has come to mean that unfair and inconsistent application of administrative requirements will not be tolerated. See White v. Roughton, 530 F.2d 750, 753-4 (7th Cir. 1976); Hornsby v. Allen, 326 F.2d 605, 610 (5th Cir. 1964).

562 F. Supp. at 1026. See also Ingenito v. Department of Corrections, State of New Jersey, 568 F. Supp. 946, 955 (D.N.J. 1983) (the mandate of equal protection applies to administrative behavior). Contrary to the requirements of the Fourteenth Amendment, the Commission's conduct in this case has violated Respondents' right to equal protection of the laws.

Having described the Committee's contribution-handling procedure in their April 19, 1984 letter to the Commission's General Counsel, Respondents proposed that this matter be handled through voluntary informal conciliation. The Commission, in response, proposed a Conciliation Agreement which would have required the Committee to refund \$2500 to EPEC/IUOE and \$5000 to SMWIAPAL, amounts which represent the alleged "excessive" contributions. In addition, the Conciliation Agreement would have required the Committee to pay a civil

penalty of \$3,750 to the Treasury of the United States. The proposed refunds and civil penalty thus totalled \$11,250.

The Commission's proposal that the Committee expend \$11,250 to settle this matter is outrageous and unprecedented. In contrast, in five other recent cases involving similar "primary/general" allocation issues, the Commission did not require any of the campaigns to refund the contributions in question. (See chart summarizing these cases, is attached hereto as Exhibit A.)

The Commission's enforcement efforts vis-a-vis the Respondents in this case clearly are far more severe than those in all similar cases within Respondents' counsel's knowledge. For reasons best known to the Commission, it seeks a penalty here which is twenty-five times that assessed in the only other case involving a penalty, and it seeks refunds where none have been sought before. Such conduct by the Commission is arbitrary and capricious and denies the Respondents equal protection of the laws.

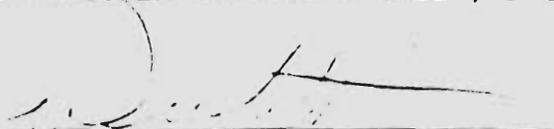
Conclusion

For all of the foregoing reasons, the Respondents respectfully submit that the Commission should dismiss the complaint herein and find no reasonable cause to believe that the Respondents violated the Act as alleged.

Respectfully submitted,

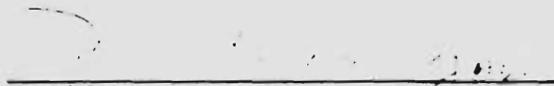
EPSTEIN BECKER BORSODY & GREEN, P.C.

By:



William C. Oldaker

By:



David H. Larry

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 861-0900

Attorneys for Respondents
Committee to Reelect Senator
Kennedy, John F. Zamparelli,
as Treasurer

03040771302

A (9)

EXHIBIT A

ANALYSIS OF MUR S INVOLVING
PRIMARY/GENERAL REPORTING ISSUES
JUNE 25, 1985

MUR 1637	KENNEDY '82	UNION	AMT. IN EXCESS	TIMING	REFUND	FINE
		EPEC/IUOE	2,500	PrePrim	\$2,500	\$3,750
		SMWIAPAL	5,600	PrePrim	\$5,000	to Comm.

<u>MUR</u>	<u>CANDIDATE/DATE</u>	<u>UNION</u>	<u>AMT. IN EXCESS</u>	<u>TIMING</u>	<u>FEC ACTION</u>	<u>REFUND</u>	<u>FINE</u>
MUR 1640	Congressman St. Germain '82 3/11/85	EPEC Engineers Ed. Comm.	3,000	PrePrim	-0-		\$500 to union \$150 to comm.
MUR 1674	Woods for Senate 1/3/85	EPEC/IUOE	1,850	PostPrim	-0-		\$125 to union no action against comm.
MUR 1714	Friends of Joe Merlino 8/27/84	EPEC/IUOE	2,330	PostPrim	-0-		No Action -had primary debt -deposited \$2,800 in primary acct.
MUR 1656	Stan Lundine for Congress 6/25/84	EPEC/IUOE	200	PrePrim	-0-		No Action since only \$200
MUR 1715	Friends of Robert Byrd 7/20/84	EPEC/IUOE MWPL	5,000 1,000	PrePrim PrePrim & PostPrim	-0-		No Action -letter from EPIC/IUOE designated "general" -MWPL amended report

A
(101)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, N.W.
Suite 900
Washington, D. C. 20036

RE: MUR 1637
Committee to Re-elect Senator
Kennedy
John F. Zamparelli, as
treasurer

Dear Mr. Oldaker:

On May 22, 1984, the Commission found reason to believe that your clients had violated 2 U.S.C. § 441a(f) and on January 23, 1985, the Commission found reason to believe that your clients violated 11 C.F.R. § 104.14(d) in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission determined to take no further action and on , 1985, closed its file as it pertains to your clients.

The file will be made part of the public record within 30 days after this matter has been closed with respect to all other respondents involved. Should you wish to submit any materials to appear on the public record, please do so within 10 days of your receipt of this letter.

The confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Attachment B(1)

Letter To William C. Oldaker, Esquire
Page 2

If you have any questions, please direct them to Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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B(2)

Pursuant to the Act and regulations, multi-candidate political committees are allowed to contribute a maximum of \$10,000 to a candidate in a full election cycle (contributions of \$5,000 for the primary election and \$5,000 for the general election). As the Commission is aware, these political committees can, and often do, make their entire "election-cycle" contributions prior to the date of the primary election. While some contributions are accompanied by letters explicitly designating the contribution for a particular (i.e., primary or general) election, many contributions are designated simply for "the Kennedy elections effort" or by similar language.

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\$5,000 contributed by a multi-candidate political committee into the Committee's primary account and to deposit any excess contributions, up to the \$5,000 limit, in its general account for general election expenditures. Concurrently, the Committee would write to the contributor political committee to confirm that such an allocation was intended by the contributor. This internal contribution-monitoring system, which was strictly adhered to, was designed to prevent, and did prevent, the Committee's acceptance of contributions over the statutory limits and assured proper allocation of contributions between the primary and general elections.

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Accordingly, although EPEC/IUOE and SMWIAPAL may have incorrectly reported their 1982 contributions as primary contributions, the Committee did not accept them on that basis. On the contrary, the Committee's designation and deposit of those 1982 contributions into its general election bank account obviated the possibility that those contributions could in any way provide a source of funding for expenditures during the primary.

III. The Conduct of the Respondents in This Case Does not Violate the Act

Decisions applying or interpreting 2 U.S.C. § 441a have made it clear that the limitations and prohibitions contained therein were designed to prevent "actual or apparent corruption of the political process." See California Medical Association v. Federal Election Commission, 453 U.S. 182, 197 (1981). In the instant case, the Committee's conduct itself prevented, rather than promoted, any such apparent or actual corruption.

In order to find that the Respondents violated the Act as alleged, the Commission would have to find that they knowingly accepted contributions in excess of \$5000 from multi-candidate committees for the 1982 primary election. 2 U.S.C.

441a(f) and (a)(2)(A). As shown above, however, the Respondents herein, utilizing procedures characterized as "acceptable methods" in the Commission's regulations [11 C.F.R. § 102.9(e)], designated for deposit in the Committee's general election account campaign contributions in excess of the limit on primary contributions, regardless of whether the contributors through oversight or inaccurate bookkeeping may have reported or noted such contributions as primary contributions.

Clearly, the Respondents' procedures ensured that the evil which the Act sought to eliminate was avoided. Far from "knowingly accepting" excessive contributions for use in the primary election, the Respondents in good faith and following the Commission's regulatory guidance, designated contributions as general election contributions where appropriate. In these circumstances, because the Committee itself prevented the "actual or apparent corruption of the political process" which the Act was designed to prevent, there exists no basis for finding that the knowing violation addressed by the Act was committed. The complaint should, therefore, be dismissed.

IV. The Remedies and Penalties Which the Commission Seeks to Impose in This Case Demonstrate That the Commission is Violating Respondents' Right to Equal Protection of the Laws.

As the court made clear in Camacho v. Bowling, 562 F. Supp. 1012 (N.D. Ill. 1983):

Equal protection, in a general sense, guarantees that similarly situated individuals will be dealt with in a similar manner by the government. Louisa ex rel. Francis v. Resweber, 329 U.S. 459, reh. denied 330 U.S. 853 (1947); Louisville Gas & Electric Co. v. Coleman, 277 U.S. 32 (1928); Barbier v. Connolly, 113 U.S. 27 (1885).

In the administrative context, equal protection has come to mean that unfair and inconsistent application of administrative requirements will not be tolerated. See White v. Roughton, 530 F.2d 750, 753-4 (7th Cir. 1976); Hornsby v. Allen, 326 F.2d 605, 610 (5th Cir. 1964).

562 F. Supp. at 1026. See also Ingenito v. Department of Corrections, State of New Jersey, 568 F. Supp. 946, 955 (D.N.J. 1983) (the mandate of equal protection applies to administrative behavior). Contrary to the requirements of the Fourteenth Amendment, the Commission's conduct in this case has violated Respondents' right to equal protection of the laws.

Having described the Committee's contribution-handling procedure in their April 19, 1984 letter to the Commission's General Counsel, Respondents proposed that this matter be handled through voluntary informal conciliation. The Commission, in response, proposed a Conciliation Agreement which would have required the Committee to refund \$2500 to EPEC/IUOE and \$5000 to SMWIAPAL, amounts which represent the alleged "excessive" contributions. In addition, the Conciliation Agreement would have required the Committee to pay a civil

penalty of \$3,750 to the Treasury of the United States. The proposed refunds and civil penalty thus totalled \$11,250.

The Commission's proposal that the Committee expend \$11,250 to settle this matter is outrageous and unprecedented. In contrast, in five other recent cases involving similar "primary/general" allocation issues, the Commission did not require any of the campaigns to refund the contributions in question. (See chart summarizing these cases, is attached hereto as Exhibit A.)

The Commission's enforcement efforts vis-a-vis the Respondents in this case clearly are far more severe than those in all similar cases within Respondents' counsel's knowledge. For reasons best known to the Commission, it seeks a penalty here which is twenty-five times that assessed in the only other case involving a penalty, and it seeks refunds where none have been sought before. Such conduct by the Commission is arbitrary and capricious and denies the Respondents equal protection of the laws.

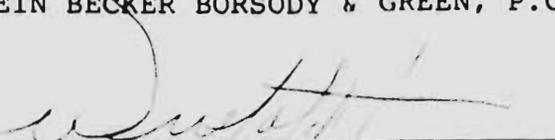
Conclusion

For all of the foregoing reasons, the Respondents respectfully submit that the Commission should dismiss the complaint herein and find no reasonable cause to believe that the Respondents violated the Act as alleged.

Respectfully submitted,

EPSTEIN BECKER BORSODY & GREEN, P.C.

By:


William C. Oldaker

By:


David H. Larry

1140 19th Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 861-0900

Attorneys for Respondents
Committee to Reelect Senator
Kennedy, John F. Zamparelli,
as Treasurer

0604071004

EXHIBIT A
 2 5 0 4 7 5 7 1 4 7 5
 ANALYSIS OF MUR S INVOLVING
 PRIMARY/GENERAL REPORTING ISSUES
 JUNE 25, 1985

MUR	CANDIDATE/DATE	UNION	AMT. IN EXCESS	TIMING	REFUND	FINE
MUR 1637	KENNEDY '82	UNION EPEC/IUOE SMWIAPAL	2,500 5,600	PrePrim PrePrim	\$2,500 \$5,000	\$3,750 to Comm.
						FEC ACTION REFUND FINE
MUR 1640	Congressman St. Germain '82 3/11/85	EPEC Engineers Ed. Comm.	3,000	PrePrim	-0-	\$500 to union \$150 to comm.
MUR 1674	Woods for Senate 1/3/85	EPEC/IUOE	1,850	PostPrim	-0-	\$125 to union no action against comm.
MUR 1714	Friends of Joe Merlino 8/27/84	EPEC/IUOE	2,330	PostPrim	-0-	No Action -had primary debt -deposited \$2,800 in primary acct.
MUR 1656	Stan Lundine for Congress 6/25/84	EPEC/IUOE	200	PrePrim	-0-	No Action since only \$200
MUR 1715	Friends of Robert Byrd 7/20/84	EPEC/IUOE MWPL	5,000 1,000	PrePrim PrePrim & PostPrim	-0-	No Action -letter from EPIC/IUOE designated "general" -MWPL amended report

2 5 0 4 0 ; 7 1 4 0 0

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW
1140 19TH STREET N.W.
WASHINGTON D.C. 20036 6601

Federal Election Commission
1325 K Street, N.W.
7th Floor
Washington, D.C. 20463

NEW YORK • FORT WORTH-DALLAS • SAN FRANCISCO
LOS ANGELES • TALLAHASSEE • ALEXANDRIA

0012
P4:35



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20461

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Red*
DATE: September 16, 1985
SUBJECT: MUR 1637 - Memorandum to the Commission

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

CIRCULATIONS

DISTRIBUTION

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

September 16, 1985

MEMORANDUM

TO: The Commission
FROM: Charles N. Steele *CN's*
General Counsel *LAN*
SUBJECT: MUR 1637

SEP 16 1985 13:45
COPY
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BY

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on Sept. 16, 1985. Following receipt of the Respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

1. Brief
2. Letter to Respondent

3
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7
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
The Committee to Re-elect) MUR 1637
Senator Kennedy and as)
treasurer, John F. Zamparelli)

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

On May 22, 1984, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:

- a) Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE");
b) Sheet Metal Workers International Association Political Action League ("SMWIAPAL").

On January 23, 1985, the Commission found reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli violated 11 C.F.R. § 104.14(d).

The Kennedy Committee received the following contributions in question for the 1982 primary election:

Table with 6 columns: Contributor, Amount, Date of Contribution, Designation Reported by Contributor, Date of Kennedy Receipt, Designation Reported by Recipient. Rows include EPEC/IUOE and SMWIAPAL with multiple entries for different dates and designations.

The Primary in Massachusetts was held September 14, 1982.

In responses to the complaint and Commission findings, counsel for the Kennedy Committee acknowledged the Committee's receipt of the contributions noted above, but denied that any contributions were accepted in excess of the \$5,000 limit per election set forth at 2 U.S.C. § 441a(a)(2)(A).

The Kennedy Committee stated that "Respondents expended considerable expense and effort to establish a system to monitor and report all contributions made to its 1982 Committee." The responses stated that the Kennedy Committee maintained bank accounts to separate primary election contributions and expenditures from the general election financial activity.

According to the responses, when the contributions were not specifically designated for a particular election, the Kennedy Committee would deposit the first \$5,000 into its primary election account and any additional contributions up to \$5,000 in its general election account. The Kennedy Committee stated that following this attribution, it "would write to the contributor political committee to confirm that such an allocation was intended by the contributor." The Committee provided no evidence of this effort to document its allocations.

The Kennedy Committee stated that multicandidate committees often make their entire "election-cycle" contributions before the primary and that the issue here is incorrect reporting of election designations by contributing committees rather than instances of excessive contribution violations. The Kennedy

Committee argued that the contributions were "accepted, allocated, reported and used (1) in conformity with the contributor's intent, (2) in compliance with statutory limits and (3) for expenditures in the appropriate elections."

II. LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceed \$5,000.

It is the General Counsel's position that the recipient committee cannot, without consent of the contributor, treat a contribution received before the primary as a general election contribution. (See 11 C.F.R. § 110.1(a)(2)). While 11 C.F.R. § 102.9(e) (which requires separate accounting to distinguish between primary and general election contributions received before the primary) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) for use in connection with the general election," this phrase should not be construed as permission for the recipient committee to assign contributions to a particular campaign without the contributors' consent. Such independent designation by the recipient committee, in this instance the Kennedy Committee,

could contravene both the contributor's intent as well as the rules for designated and undesignated contributions at 11 C.F.R. § 110.1(a)(2).^{*/}

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

Based on the regulation at 11 C.F.R. § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

^{*/} In this case, the Kennedy Committee apparently did follow the regulation at 11 C.F.R. § 102.9(e) insofar as the regulation requires a committee to establish separate bank accounts for primary and general election activity.

The Kennedy Committee and SMWIAPAL

SMWIAPAL made three pre-primary contributions to the Kennedy Committee which SMWIAPAL reported as designated for the primary election. Notations on two of the three pre-primary contributions from SMWIAPAL (\$4,000 dated May 19, 1981, and \$5,000 dated June 29, 1982) specify "Primary" on the checks, clearly communicating primary election contributions. The Kennedy Committee reported the \$5000 contribution dated June 29, 1982, as designated for the general election. As stated herein, despite the confusing language of 11 C.F.R. § 102.9(e), the Commission has consistently decided that the recipient cannot determine election designations.

It is indisputable that the June 1982 contribution of \$5000 was made before the primary election; it was received on the date of the primary; and it was marked as a contribution to the primary. Therefore, based on 11 C.F.R. § 110.1(a) and the memorandum contemporaneously communicated on SMWIAPAL's check, the \$5,000 contribution can only be viewed as a primary election contribution.

As a result of the facts and legal analysis, the Office of General Counsel is prepared to recommend that the Kennedy Committee has violated 2 U.S.C. § 441a(f) by accepting a contribution of \$5,000 in excess of limitations of 2 U.S.C. § 441a(a)(2)(A) and has violated 11 C.F.R. § 104.14(d) for incorrectly reporting the election designation for the contribution in question.

The Kennedy Committee and EPEC/IUOE

EPEC/IUOE reported designations of its two pre-primary contributions of \$5,000 dated May 26, 1981 and \$2,500 dated June 9, 1982, as contributions for the primary election. EPEC/IUOE did not communicate an election designation to the Kennedy Committee. Because the contributions were made prior to the primary without accompanying written communications which would alter the regulatory presumption of designations, the contributions are considered primary election contributions. Therefore, based on 11 C.F.R. § 110.1(a), the Kennedy Committee received an excessive contribution of \$2,500 in violation of 2 U.S.C. § 441a(f). The Kennedy Committee also violated 11 C.F.R. § 104.14(d) by incorrectly reporting the election designation of this contribution. The Office of General Counsel is prepared to recommend probable cause to believe that these violations occurred.

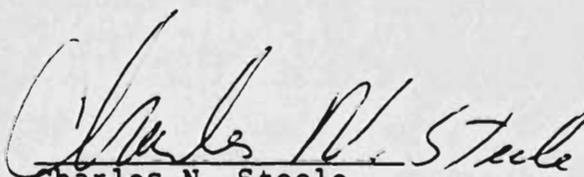
GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe that the Committee to re-elect Senator Kennedy and John F. Zamparelli, as treasurer, violated 2 U.S.C. § 441a(f).

Date

9/13/85

Charles N. Steele
General Counsel


12/20



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 1985

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Committee to Re-elect
Senator Kennedy
John F. Zamparelli,
as treasurer

Dear Mr. Oldaker:

Based on a complaint filed with the Commission on March 1, 1984, and information you supplied, the Commission determined on May 22, 1984, that there was reason to believe that your clients violated 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"), and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. Three copies of such brief should also be forwarded to the Office of General Counsel, if possible. The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

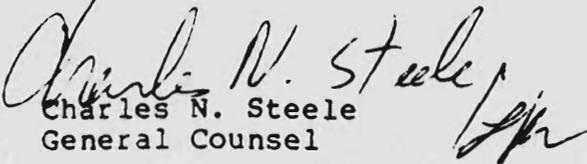
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Letter to William C. Oldaker, Esquire
Page 2

A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,


Charles N. Steele
General Counsel

Enclosure
Brief



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 23, 1985

Michael R. Fanning, Esquire
Engineers Political Education
Committee/International Union
of Operating Engineers
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Engineers Political Education
Committee/International
Union of Operating Engineers
Frank Hanley, as treasurer

Dear Mr. Fanning:

On August 7, 1985, the Commission accepted the conciliation agreement your client signed and a civil penalty in settlement of a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter as it pertains to your client, and it will become a part of the public record within thirty days after this matter has been closed with respect to all other respondents involved. However, 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should you wish any such information to become part of the public record, please advise us in writing within 10 days.

The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sheet Metal Workers International)
Association Political Action)
League and as treasurer,) MUR 1637
Cecil D. Clay)
Engineers Political Education)
Committee of the International)
Union of Operating Engineers)
and as treasurer, Frank Hanley)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 7, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1637:

1. Accept the conciliation agreement with respect to EPEC/IUOE and Frank Hanley, as treasurer, as recommended in the FEC General Counsel's report dated July 25, 1985.
2. Close the file as it pertains to EPEC/IUOE and Frank Hanley, as treasurer.

Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmatively for the decision; Commissioners Harris and McDonald dissented.

Attest:

8-7-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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Letter to Michael R. Fanning
Page 2

Enclosed you will find a fully executed copy of the final
conciliation agreement for your files.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

35040371413

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Engineers Political Education)
Committee of the International) MUR 1637
Union of Operating Engineers)
and as treasurer,)
Frank Hanley)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James Edward Antosh. The Commission found reason to believe that Engineers Political Education Committee of the International Union of Operating Engineers and as treasurer, Frank Hanley ("Respondent or EPEC/IUOE") violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Committee to Re-elect Senator Kennedy ("The Kennedy Committee") during 1982.

NOW, THEREFORE, the Commission and Respondent, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondent and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondent has had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondent enters voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. EPEC/IUOE is a multicandidate committee with Frank Hanley as treasurer.

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2. Respondent made the following contributions to the Kennedy Committee for the 1982 primary election:

<u>AMOUNT OF CONTRIBUTION</u>	<u>DATE</u>	<u>DESIGNATION BY CONTRIBUTOR</u>
\$5,000	5-26-81	Primary
\$2,500	6-9-82	Primary

3. The Massachusetts primary election was held September 14, 1982.

4. The contributions were made by Respondent and received by the Kennedy Committee prior to the 1982 Massachusetts primary.

5. 2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceeds \$5,000.

6. 11 C.F.R. § 110.1(a) provides that a contribution designated in writing by the contributor for a particular election shall be attributed to that election. Except, that a contribution made after the primary election shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution.

7. 11 C.F.R. § 110.1(a) further provides that contributions not designated in writing by a contributor for a particular election are attributable to the primary election if made on or before the date of the primary election and are

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attributable to the general election if made after the date of the primary election.

8. Although Respondent's contributions herein were allocated by the recipient committee in accordance with the limitations of 2 U.S.C. § 441a(a)(2)(A), the contributions were not contemporaneously designated in writing for a particular election by Respondent.

9. In accordance with 11 C.F.R. § 110.1(a)(2), Respondent's contributions to the Kennedy Committee are considered contributions for the 1982 primary.

10. Respondent's contributions to the Kennedy Committee totaled \$7,500.

V. As a result of its failure to contemporaneously designate in writing the contributions herein for a particular election, EPEC/IUOE made an excessive contribution of \$2,500 to the Kennedy Committee in violation of 2 U.S.C. § 441a(a)(2)(A).

VI. Subsequent to the 1982 election cycle, and prior to the Complaint in this matter, the administrative procedures of EPEC/IUOE were modified to preclude the likelihood of a recurrence of the violation identified herein.

VII. Respondent will pay a civil penalty to the Treasurer of the United States in the amount of Four Hundred Dollars (\$400), pursuant to 2 U.S.C. § 437(g)(a)(5)(A).

VIII. Respondent agrees that it shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

IX. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

X. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XI. Respondent shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

XII. The Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

FOR THE COMMISSION:

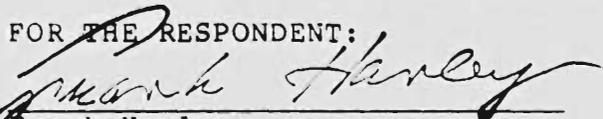
Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENT:


Frank Hanley
Treasurer

July 17, 1985
Date

Hegon (file)

GCC# 8039

MEMORANDUM

Retha Dixon

TO:

TO:

JOAN HARRIS
Retha Dixon

FROM:

JOAN HARRIS

FROM:

CHECK NO. 2617 (a copy of which is attached) RELATING

TO MUR 1637 AND NAME EPEC/IFUOE

WAS RECEIVED ON July 18, 1985. PLEASE INDICATE THE ACCOUNT INTO WHICH IT SHOULD BE DEPOSITED:

- BUDGET CLEARING ACCOUNT (#95F3875.16)
- CIVIL PENALTIES ACCOUNT (#95-1099.160)

OTHER

SIGNATURE

Retha L. Dixon

DATE

7-18-85



International Union of Operating Engineers

No. 002617

1125 SEVENTEENTH STREET NORTHWEST * WASHINGTON, D. C. 20036

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

15-125
540

MADISON NATIONAL BANK
WASHINGTON, D.C.

PAY TO THE ORDER OF

DATE CHECK NUMBER DISCOUNT
Jul 17 85 2617 .00

AMOUNT

\$ 400.00

\$400.00

11254

United States Treasury



INTERNATIONAL UNION OF OPERATING ENGINEERS
GENERAL FUND * EXPENSE ACCOUNT

Grand Hanley

⑈002617⑈ ⑆054001259⑆ ⑈212⑈641⑈4⑈

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sheet Metal Workers International) MUR 1637
Association Political Action)
League, and as Treasurer,)
Cecil D. Clay)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of June 4, 1985, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1637:

1. Find probable cause to believe that the Sheet Metal Workers International Association Political Action League and Cecil D. Clay, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Approve the conciliation agreement attached to the General Counsel's report dated May 22, 1985.
3. Approve the letter attached to the General Counsel's report dated May 22, 1985.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

6/5/85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *WJ*
DATE: May 23, 1985
SUBJECT: MUR 1637 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of June 4, 1985
Open Session _____
Closed Session XX

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

SENSITIVE

ON BLUE PAPER

ON AGENDA JUNE 4, 1985

660403/1426

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Sheet Metal Workers) MUR 1637
International Association)
Political Action League,)
and as Treasurer,)
Cecil D. Clay)

SENSITIVE

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On May 22, 1984, the Commission found reason to believe that the Sheet Metal Workers International Association Political Action League ("SMWIAPAL") and as Treasurer, Cecil D. Clay, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of limitations to the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") during the 1982 primary election campaign. On February 4, 1985, the Office of General Counsel mailed a brief stating the legal position and intended probable cause recommendation.

SMWIAPAL made three contributions to the Kennedy Committee during 1982:

<u>AMOUNT OF CONTRIBUTION</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF KENNEDY RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
\$1,000	4-23-81	Primary	5-18-81	Primary
4,000	5-19-81	Primary	8-10-81	Primary
5,000	6-29-82	Primary	7-14-82	General

The Massachusetts primary was held September 14, 1982.

II. LEGAL ANALYSIS

(See OGC Brief of February 4, 1985.)

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SMWIAPAL responded to the General Counsel's Brief, arguing several points to further its assertion that no excessive contribution was intended. SMWIAPAL asserts that "internal, contemporaneous documentation demonstrates that SMWIAPAL intended to designate the June 29, 1982 contribution of \$5,000 for Senator Kennedy's general election campaign." Counsel for the respondent provided two examples of such internal memoranda. The first is a memorandum from the legislative director to the union president dated June 30, 1982, containing a recommendation that SMWIAPAL contribute to each of seven candidates, including Senator Kennedy. It states that the contributions would "bring us to our maximum contribution" for each candidate. SMWIAPAL argues that the memorandum shows that the PAC intended the June '82 contribution for the general election in that contributions to the other six candidates were dated June 29, 1982 and were reported as general election contributions. SMWIAPAL also asserts that no previous contributions had been made to the Kennedy Committee's general election campaign, so that the contribution in question "could only bring SMWIAPAL to its 'maximum contribution' to Senator Kennedy if it were a check for his general election campaign."

The second internal memorandum is a later document from the union president proposing contributions and noting "Massachussets" Ted Kennedy, maxed out." The PAC states that no

other contributions were made to the Kennedy Committee except those totaling \$10,000.

In addition, SMWIAPAL submitted an affidavit from a SMWIAPAL employee who prepared the check payable to the Kennedy campaign as well as the report to the FEC. In the affidavit, this employee states that she "inadvertently and mistakenly stated on the check . . . that the check was for the primary election." Another affidavit by the SMWIAPAL treasurer affirms that the primary election designation was an error.

These internal memoranda and affidavits appear to indicate that SMWIAPAL intended to limit its contributions to the Kennedy Committee to \$10,000, but they do not show that the June 29, 1982, contribution was intended for the general rather than the primary election. In fact, the SMWIAPAL contribution of \$5,000 was made prior to the primary election, and it contained written communication to the Kennedy Committee that the contribution was made for the primary election.

Based on the regulation at 11 C.F.R. § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

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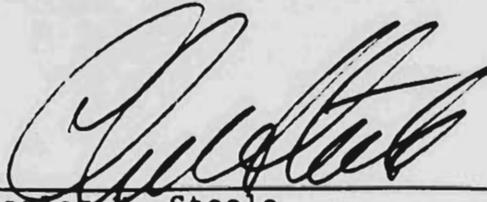
In this case, SMWIAPAL made its \$5,000 contribution prior to the primary, which constitutes a primary contribution under the presumption of § 110.1(a) and further, SMWIAPAL verified the primary designation by writing "Senatorial Massachusetts Primary" on the check sent to the Kennedy Committee. Therefore, SMWIAPAL's arguments regarding its intention to make a general election contribution may mitigate the violation during conciliation negotiations, but do not vitiate the violation of 2 U.S.C. § 441a(a)(2)(A). The Office of General Counsel is recommending a finding of probable cause to believe in this matter.

IV. RECOMMENDATION

1. Find probable cause to believe that the Sheet Metal Workers International Association Political Action League and Cecil D. Clay, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
2. Approve attached conciliation agreement.

3. Approve attached letter.

22 May 1985
Date



Charles N. Steele
General Counsel

Attachments
Proposed Conciliation Agreement
Letter to Respondent

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BEFORE THE FEDERAL ELECTION COMMISSION

DEC 21 1984

FEB 15 4 01 40

In the Matter of)
)
 The Committee to Re-elect)
 Senator Kennedy and as)
 treasurer, John F. Zamparelli)
 Engineers Political Education)
 Committee/International Union of)
 Operating Engineers and as)
 treasurer, Frank Hanley)
 Sheet Metal Workers International)
 Association Political Action)
 League and as treasurer,)
 Cecil D. Clay)

MUR 1637

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #2

2614071035

On May 22, 1984, the Commission took the following action in this matter:

1. Found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:
 - a) Engineers Political Education Committee/International Union of Operating Engineers("EPEC/IUOE");
 - b) Sheet Metal Workers International Association Political Action League("SMWIAPAL").
2. Found reason to believe the following respondents violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Kennedy Committee during the 1982 primary election campaign:
 - a) EPEC/IUOE and as treasurer, Frank Hanley;
 - b) SMWIAPAL and as treasurer, Cecil D. Clay.

On January 23, 1985, the Commission took additional action in this matter:

1. Found reason to believe that the Kennedy Committee and

as treasurer, John F. Zamparelli, violated 11 C.F.R.
§ 104.14(d);

2. Found reason to believe that EPEC/IUOE and as treasurer,
Frank Hanley, violated 11 C.F.R. §104.14(d);
3. Found no reason to believe that SMWIAPAL and as treasurer,
Cecil D. Clay, violated 11 C.F.R. §104.14(d).

The Kennedy Committee and EPEC/IUOE have requested pre-probable
cause conciliation; SMWIAPAL has responded to the General Counsel's
Brief. This Office is preparing a report and conciliation proposals
concerning the Kennedy Committee and EPEC/IUOE as well as a recommend-
ation concerning SMWIAPAL.

Date

May 14, 1985

Charles N. Steele
General Counsel

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

3 5 0 4 0 7 1 2 3 4

GCC# 6790

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW
1140 19TH STREET, N.W.
WASHINGTON, D. C. 20036
(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102
(817) 334-0701

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
(213) 556-8861

FOUR EMBARCADERO
SAN FRANCISCO, CALIFORNIA 94111
(415) 398-5565

PC IN NEW YORK AND
WASHINGTON, D.C. ONLY

February 27, 1985

Ms. Frances B. Hagan
Office of the General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1637 - Respondents, Edward M. Kennedy,
John F. Zamparelli, Robert Fitzgerald and the
Committee to Re-elect Senator Kennedy

Dear Ms. ~~Hagan~~: *Eran*

As we discussed earlier today, we hereby request
that the above-captioned matter be handled through conciliation
at this stage in the Commission's proceedings.

If you have any questions regarding this matter,
please do not hesitate to contact me.

Very truly yours,

Leslie

Leslie J. Kerman

LJK:ses

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF)
SHEET METAL WORKERS' INTERNATIONAL)
ASSOCIATION, POLITICAL ACTION) MUR 1637
LEAGUE, AND AS TREASURER, CECIL)
D. CLAY)

REPLY TO GENERAL COUNSEL'S BRIEF

26040571435
This proceeding was initiated by a complaint filed by James Edward Antosh in March 1984. On May 22, 1984, the Federal Election Commission ("FEC") found reason to believe that the Sheet Metal Workers' International Association Political Action League ("SMWIA-PAL") and as Treasurer, Cecil D. Clay, violated 2 U.S.C. §441a(a)(2)(A) by making contributions in excess of limitations to the Committee to Re-elect Senator Kennedy during the 1982 primary election campaign. On January 23, 1985, the FEC determined that there was no reason to believe that a violation of 11 C.F.R. §104.14(d) occurred in connection with the reporting of the election designations for contributions made in this case. Pursuant to 2 U.S.C §437g(a)(3) and 11 C.F.R. §111.16, SMWIA-PAL and Mr. Clay, through counsel, file this memorandum in response to the General Counsel's brief that was filed on February 4, 1985.

SMWIA-PAL contributed a total of \$10,000 to the Committee to Re-elect Senator Edward M. Kennedy in connection with Senator Kennedy's entire 1982 senatorial campaign, including the primary and general elections. Two contributions were made in 1981 for

Senator Kennedy's primary election, one on April 23, 1981 for \$1,000 and one on May 19, 1981 for \$4,000.

Over a year later, on June 29, 1982, an additional contribution of \$5,000 was contributed to Senator Kennedy's campaign. Internal, contemporaneous documentation demonstrates that SMWIA-PAL intended to designate the June 29, 1982 contribution of \$5,000 for Senator Kennedy's general election campaign. The June 29, 1982 contribution was made in response to Exhibit A to this Reply, a memorandum from Ralph Willham, Legislative Director of SMWIA, to Edward J. Carlough, General President of SMWIA dated June 30, 1982 ("the Willham memorandum"). The Willham memorandum recommends that contributions be made to seven candidates for federal office and notes that each of the contributions would bring SMWIA-PAL to its contribution limit for the candidate. One of these recommendations was for a \$5,000 contribution to "Ted Kennedy, Massachusetts".

Read in context, the Willham memorandum clearly demonstrates that SMWIA-PAL intended that its \$5,000 contribution would be for Senator Kennedy's general, not primary, election campaign. First, the contributions made to each of the other six candidates discussed in the Willham memorandum were contributions to general election campaigns made by checks that were also dated June 29, 1982. (See Exhibit B to this Reply, pages six and seven of Schedule B, "Itemized Disbursements" of the original July 15, 1982 Quarterly Report submitted to the FEC by SMWIA-PAL.) Second, when the Willham memorandum was written, SMWIA-PAL had made no

0504071417

contribution to Senator Kennedy's general election campaign. Thus, in accordance with 2 U.S.C. §441a(a)(2)(A), the June 29, 1982 contribution could only bring SMWIA-PAL to its "maximum contribution" to Senator Kennedy if it were a check for his general election campaign.

Exhibit C to this Reply, a subsequent memorandum from Mr. Willham to General President Carlough, confirms that SMWIA-PAL considered the June 29, 1982 contribution to Senator Kennedy's committee as a contribution for his general election campaign. This memorandum proposes contributions for a number of candidates and reviews contributions previously made to the candidates. This memorandum notes, "Massachusetts: Ted Kennedy, maxed out." Again, only if the \$5,000 contribution made on June 29, 1982 to Senator Kennedy's committee were for the general election campaign would SMWIA-PAL have "maxed out" in its contributions to Senator Kennedy. No contributions were made to Senator Kennedy's 1982 senatorial campaign subsequent to June 29, 1982 and the only other contributions made in connection with Senator Kennedy's 1982 senatorial campaign were the two contributions to his primary campaign in 1981 totalling \$5,000.

Exhibit D to this Reply is the affidavit of Ellen Scott, the employee of SMWIA who prepared both the June 29, 1982 check for \$5,000 payable to Senator Kennedy's campaign committee and the original July 15, 1982 Quarterly Report filed with the FEC.

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Exhibit E to this reply is the affidavit of Cecil Clay, SMWIA-PAL's Treasurer. These affidavits, prepared in connection with this proceeding, indicate that the \$5,000 contribution made by SMWIA-PAL on June 29, 1982 to Senator Kennedy's campaign was intended for the general election, but that as a result of an inadvertant clerical mistake, Ms. Scott stated on the check memorandum that the check was for the primary election. Relying on the mistaken check memorandum notation, Ms. Scott carried over the error in preparing SMWIA-PAL's July 15, 1982 Quarterly Report and again indicated that the contribution had been for the primary election. Mr. Clay was unaware of these errors when he signed the check and the report.

SMWIA-PAL accurately reported its two contributions in 1981, totalling \$5,000, to Senator Kennedy's primary election campaign. Contemporaneous documents and affidavits prepared in connection with this proceeding indicate that the only other contribution to Senator Kennedy's 1982 senatorial campaign, \$5,000 in June 1982, was intended for Senator Kennedy's general election. SMWIA-PAL was entitled to make such a contribution consistent with the contribution limitations established by 2 U.S.C. §441a(a)(2)(A).

The reporting error made on the July 15, 1982 Quarterly Report filed with the FEC that resulted from a clerical mistake on the contribution check has now been corrected. SMWIA-PAL filed an amended report with the FEC on April 6, 1984, correctly stating that the \$5,000 contribution on June 29, 1982 was for Senator Kennedy's general election. Moreover, Exhibit D, Ms.

Scott's affidavit, reflects that SMWIA-PAL has been advised by Senator Kennedy's staff that SMWIA-PAL's June 29, 1982 contribution was deposited in Senator Kennedy's general election account, a representation borne out by the reverse side of the cancelled check (Exhibit F).

Under all these circumstances -- that SMWIA clearly intended to make its June 1982 contribution to Senator Kennedy's general election campaign; that in June 1982 SMWIA-PAL was entitled to make a \$5,000 contribution to Senator Kennedy's general election campaign consistent with the contribution limitations established by 2 U.S.C. §441a(a)(2)(A); that a clerical error resulted in the check being misdesignated and a report being filed with the FEC reflecting the misdesignation; that the contribution was in fact deposited in Senator Kennedy's general election account; and that throughout SMWIA-PAL has demonstrated its appreciation of and concern for the contribution limitations imposed by 2 U.S.C. §441a(a)(2)(A), has filed a corrected July 15, 1982 Quarterly Report and has given its full cooperation to the FEC staff -- no useful purpose would be served by continuing this proceeding against the SMWIA-PAL and its Treasurer.

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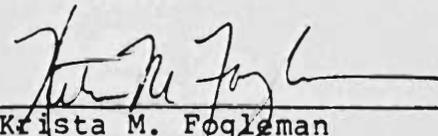
Respectfully submitted,

ROGOVIN, HUGE & LENZNER
A Professional Corporation
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

Date:

FEB 20, 1985

By:



Krista M. Fogleman

Counsel for SMWIA-PAL and its
Treasurer, Cecil D. Clay

25040371441

Exhibit A

MEMO

TO: Edward J. Carlough
FROM: Ralph E. Willham
DATE: June 30, 1982
SUBJ: PAL Contributions

I recommend the following contributions:

\$5,000 to the following candidates, which will bring us to our maximum contribution:

Ted Wilson, Utah
George Mitchell, Maine
Paul Sarbanes, Maryland
Robert Byrd, West Virginia
Ted Kennedy, Massachusetts

\$3,500 to Daniel Patrick Moynihan, which will also bring him to the maximum.

\$4,833 to Floyd Fithian, which with our In-kind contributions will bring him to the maximum.

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Exhibit B

SCHEDULE B

ITEMIZED DISBURSEMENTS

PAGE 21 OF 21
 LINE NUMBER 21
 (Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gerald Sikorski, 6th district Minn. Sent to: John O'Connor, Bus Mgr LU 76 - 1681 E. Cope Avenue St. Paul Minnesota 55109	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
B. Full Name, Mailing Address and ZIP Code Steny Hoyer, 5th district Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Ted Wilson, Utah, sent to: Hershel Thompson, Bus Mgr LU 312, 2261 S. Redwood Road, Suite D Salt Lake City, Utah 84119	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
D. Full Name, Mailing Address and ZIP Code George Mitchell, Maine sent to: Dick Grandmaison, LU 545 PO Box 1742, Lewiston Maine 94240	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
E. Full Name, Mailing Address and ZIP Code Paul Sarbanes, Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
F. Full Name, Mailing Address and ZIP Code Robert Byrd, West Virginia sent to: Fred Kirschner, bus Mgr LU 5, 60 W. Indianola Avenue Youngstown, Ohio 44507	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
G. Full Name, Mailing Address and ZIP Code Daniel P. Moynihan, New York sent to: Charles Hertel, Bus Mgr LU 38 - 898 Washington St. Box 288 Peekskill, New York 10566	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	3,500.00
H. Full Name, Mailing Address and ZIP Code Floyd Fithian, Indiana sent to; Richard Peck, Bus Mgr LU 156 PO Box 9158, Fort Wayne, Indiana 46899	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	4,833.00
I. Full Name, Mailing Address and ZIP Code Kogod Liquors Inc. 441 New Jersey Avenue ,N.W. Washington, D.C. 20002	Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	In Kind 31.77
SUBTOTAL of Disbursements This Page (optional)			30,364.77
TOTAL This Period (last page this line number only)			

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
 Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Eloise's Catering 8003 Boulder Lane Silver Spring, Maryland 20910	Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	135.00 In Kind
B. Full Name, Mailing Address and ZIP Code Edward Kennedy, Massachusetts sent to: Jim Golden Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional!)			5,135.00
TOTAL This Period (last page this line number only)			144,249.77

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Exhibit C*

* Certain matter irrelevant to this proceeding has been redacted from this document out of concern that the document may be subject to a request for production made under the Freedom of Information Act.

MEMO

TO: Edward J. Carlough
FROM: Ralph E. Willham
DATE: September 22, 1982
SUBJ: PAL Contributions re: your memo to me of September 15; attached

I met with _____ on September 21, 1982 and went over the
List of House and Senate races. The following is a list of
contributions to _____ races that we propose. (parenthesis indicates
previous contributions)

05040071A47

\$1,000, 6th Alabama, Ben Erdreich
\$1,000, 2nd Alabama, Billy Joe Camp
\$2,500, 1st California, Doug Bosco
\$2,500, 30th California, Marty Martinez (1,000 P)
\$1,000, 3rd Colorado, Ray Kogovsek (1,000 P)
\$2,500, 2nd Connecticut, Sam Gejdenson
\$2,500, 6th Connecticut, Bill Curry - Moffetts old seat
\$2,500, At Large, Delaware, Tom Carper
\$2,500, 9th Florida, George Sheldon (5,000 P)
\$1,500, 16th Florida, Larry Smith
\$1,000, 1st Idaho, Larry La Rocco (1,500 G)
\$1,000, 17th Illinois, Lane Evans (1,500 G)
\$1,500, 18th Illinois, Doug Stevens (1,000 G)
\$1,000, 20th Illinois, Richard Durbin (1,500 G)
\$2,500, 2nd Indiana, Phil Sharp (2,000 G)
\$1,500, 3rd Iowa, Lynn Cutler
\$1,500, 2nd Kansas, Jim Slattery (1,000 G)

\$1,500, 6th Massachusetts, Nick Mavroules (1,000 P)
\$2,500, 6th Michigan, Bob Carr
\$1,500, 5th Michigan, Steve Monsma (1,000 P)
\$1,500, 6th Minnesota, Gerry Sikorski (1,000 P)
\$2,000, 7th Minnesota, Gene Wenstrom (500 P)
\$1,500, 2nd Mississippi, Robert Clarke

\$2,500, 4th Mississippi, Wayne Dowdy, (supported in Special Election)
\$1,500, 2nd Nebraska, Richard Fellman (1,000 G)
\$1,500, 1st Nevada, Harry Reid (1,000 G)
\$2,500, 3rd New Jersey, James Howard
\$1,500, 4th New Jersey, Joe Merlino
\$1,000, 3rd New Mexico, Bill Richardson
\$2,500, 3rd New York, Bob Mrazek
\$1,500, 22nd New York, Peter Peyser (500 G)
\$2,500, 14th New York, Leo Zeferetti
\$2,000, 28th New York, Matt McHugh (500 G)
\$1,000, 9th Ohio, Marcy Kaptur (1,500 G)
\$1,500, 12th Ohio, Bob Shamansky
\$1,000, 2nd Oregon, Larryann Willis
\$1,500, 2nd Pennsylvania, William Gray
\$2,500, 4th Pennsylvania, Joe Kolter
\$1,500, 8th Pennsylvania, Peter Kostmayer
\$2,500, 21st Pennsylvania, Buzz Andrezeski(2,500 P, 2,500 G)
\$1,000, At Large, South Dakota, Tom Daschle (500 G)
\$2,500, 4th Tennessee, James Cooper
\$1,500, 7th Tennessee, Bob Clement
\$1,500, 14th Texas, Bill Patman
\$1,000, 16th Texas, Ron Coleman (500 G)
\$1,000, 1st Utah, Steve Dirks (1,500 P)
\$1,500, 2nd Utah, Frances Farley (1,000 P)
\$1,000, 8th Virginia, Herb Harris (1,000 G)
\$1,000, 9th Virginia, Fred Boucher
10th Virginia, Ira Leschner, recommend no contribution, (1,000 P 2,000 G)

\$2,500, 5th Washington, Tom Foley
\$1,000, 1st West Virginia, Bob Molichan
\$1,500, 2nd West Virginia, Harley Staggers Jr. (1,000 G)
\$1,000, 3rd West Virginia, Bob Wise
\$1,500, 3rd Wisconsin, Paul Offner

The following is a list of races not on the
but recommended by for contribution.

- \$2,500, 5th Arizona, James McNulty
- \$5,000, 5th California, Phil Burton (5,000 P)
- \$2,500, 5th Colorado, Tom Cronin
- \$2,500, 19th Florida, Dante Fascell
- \$1,000, 5th Missouri, Allen Wheat
- \$1,500, 11th Pennsylvania, Frank Harrison (1,000 G)
- \$1,000, 6th Virginia, James Olin

Senate

Arizona: Dennis DeConcini, (2,500 P)

Hawaii: Spark Matsunaga, recommend no contribution (2,000 P, 5,000 G)

Maryland: Paul Sarbanes, maxed out

Massachusetts: Ted Kennedy, maxed out

\$5,000, Michigan: Don Reigle, (1,000 P)

New York: Daniel P. Moynihan, maxed out

Ohio: Howard Metzenbaum, maxed out

Tennessee, Jim Sasser, (5,000 G) recommend \$5,000 if it can be applied
to primary debt, we will check

\$5,000, Washington: Henry Jackson (5,000 P)

Maine: George Mitchell, maxed out

Montana: John Melcher, maxed out

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\$2,500, North Dakota: Quentin Burdick (2,500 G)

West Virginia: Robert Byrd, maxed out

\$5,000, California: Edmund Brown (5,000 P)

\$5,000, Delaware: Dave Levinson. Could also contribute to his primary debt, we will check.

\$5,000, Rhode Island: Julius Michaelson (5,000 P)

Utah: Ted Wilson, maxed out

Indiana: Floyd Fithian, maxed out

Missouri: Harriet Woods, recommend no contribution (3,750 P, 5,000 G)

Wyoming: Roger McDaniel, recommend no contribution, (3,500 P, 5,000 G)

The following list are my own recommendations

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06040371451

Exhibit D

*file Antosh
journal paper*

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)	
)	
Complainant,)	
)	
v.	)	Complaint
	)	MUR No. 1637
Edward M. Kennedy, et al.)	
)	
Respondents.)	
)	

AFFIDAVIT OF ELLEN SCOTT

DISTRICT OF COLUMBIA	)	ss:
)	

ELLEN SCOTT deposes and says:

1. I am an employee of the Sheet Metal Workers' International Association ("SMWIA") and am responsible for preparing reports to the Federal Election Commission for the Sheet Metal Workers' Political Action League ("SMWIA PAL"). I was employed in that same capacity during all of 1981 and 1982.

2. Records of SMWIA-PAL show that contributions were made by SMWIA PAL to Senator Edward M. Kennedy in connection with his 1982 Senatorial campaign as follows:

- a. April 23, 1981 SMWIA-PAL check No. 1162 in the amount of \$1,000.00 with check memorandum stating "Senatorial Campaign"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy" (copy attached as Exhibit A).

06040371452

- b. May 19, 1981 SMWIA-PAL check No. 1165 in the amount of \$4,000.00 with check memorandum stating "Senatorial Campaign-Primary"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy" (copy attached as Exhibit B).
- c. June 29, 1982 SMWIA-PAL check No. 142 in the amount of \$5,000.00 with check memorandum stating "Senatorial Massachusetts Primary"; reverse of check shows deposit to "Committee to Re-Elect Senator Kennedy - General Election Account" (copy attached as Exhibit C).

3. The checks described in paragraph 1 hereof amount to ten thousand dollars (\$10,000.00). These checks constitute the only contributions made to Senator Kennedy or his campaign committee for his entire 1982 Senatorial campaign.

4. I prepared each of the checks described in paragraph above. In preparing those checks, I inadvertently and mistakenly stated on the check memorandum on check number 142 dated June 29, 1982 that the check was for the primary election.

5. In fact, the check was intended by SMWIA-PAL for the general election.

6. In preparing the July 15, 1982 Quarterly Report to the FEC, I also mistakenly indicated that the five thousand dollar disbursement made on June 29, 1982 was for the primary election of Senator Kennedy's campaign.

7. I have prepared an amended FEC report and it is being filed today with the Commission. A copy of that corrected report is attached to this response as Exhibit D.

8. I have been informed by Ms. Mary Paris of Senator Kennedy's staff that SMWIA-PAL's check number 142 dated June 29

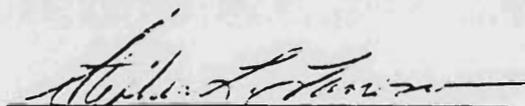
06040371453

1982, was deposited by Senator Kennedy's campaign committee in its General Election Account.

I declare under penalty of perjury that the foregoing is true and correct.


ELLEN SCOTT

Subscribed and sworn to before me this 9th day of April, 1984.


Notary Public

MY COMMISSION EXPIRES
JUNE 14, 1986

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0604011435

Exhibit E*

* The affidavit previously filed with the FEC by Mr. Clay was identical in substance to the attached, but contained typographical errors in paragraphs 1 & 2 that this affidavit corrects.

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF)
SHEET METAL WORKERS' INTERNATIONAL)
ASSOCIATION, POLITICAL ACTION) MUR 1637
LEAGUE, AND AS TREASURER, CECIL)
D. CLAY)

AFFIDAVIT OF CECIL D. CLAY

STATE OF FLORIDA)
) ss:
COUNTY OF BROWARD)

1. I am General Secretary Treasurer of the Sheet Metal Workers' International Association ("SMWIA") and the Treasurer of SMWIA's Political Action League ("PAL"). I was serving in that capacity on June 29, 1982 when PAL's check number 142 was written, and on July 10, 1982 when the July 15, 1982 Quarterly Report was signed by me.

2. At the time check number 142 was signed by me on behalf of SMWIA-PAL, I was unaware of the clerical error made in stating on the check memorandum that the check was to be made for the primary election in Senator Edward M. Kennedy's 1982 Senatorial campaign.

3. At the time I signed the July 15, 1982 Quarterly Report to the FEC on behalf of SMWIA-PAL, I was unaware of the clerical error made in stating on page 7 of the Itemized Disbursements that the disbursement made to Senator Kennedy on June 29, 1982 in the amount of five thousand dollars was for the primary election.

06040371455

4. The check memorandum discussed in paragraph 2 hereof and the report discussed in paragraph 3 hereof should have stated that the contribution was for the general election.

5. I have caused a corrected July 15, 1982 Quarterly Report to be filed with the FEC.

I declare under penalty of perjury that the foregoing is true and correct.

Cecil D. Clay
Cecil D. Clay

198⁵ Subscribed and sworn to before me this 15 day of February,

R. D. [Signature]
Notary Public

NOTARY PUBLIC STATE OF FLORIDA
COMMISSION EXPIRES 02/20/1989
NO. 113, 630.

05040070457

26040371178

Exhibit F

Sheet Metal Workers Int'l. Assoc.
Political Action League Fund
1750 New York Ave.
Washington, D. C. 20006

142

15 55/540

June 29, 19 82

PAY TO THE KENNEDY FOR SENATE COMMITTEE:
ORDER OF

\$ 5,000.00

FIVE THOUSAND DOLLARS-----00/100

DOLLARS

Fund for
Government Investors, Inc.
A MONEY MARKET FUND
AMERICAN SECURITY BANK, N.A.
WASHINGTON, D.C.

NOT VALID FOR LESS THAN 500.00

Cecil D. Clay

FOR Senatorial Massachusetts Primary

⑈95168060002⑈ ⑆054000551⑆ 90001736⑈ ⑆0000500000⑆

45901

2160

JUL 14 1982

FOR DEPOSIT ONLY IN 5-13
GENERAL ELECTION ACCOUNT
KENNEDY
BY 6/29/82
AMOUNT \$5,000.00



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel
DATE: February 4, 1985
SUBJECT: MUR 1637 - Memorandum and GC's Brief

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

95040:71450

CIRCULATIONS

DISTRIBUTION

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

SENSITIVE



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEB 4 12:00

February 4, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele *CNS*
General Counsel

SUBJECT: MUR 1637

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe was mailed on February 4, 1985. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

Brief
Letter to Respondent

2504071461

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
 Sheet Metal Workers) MUR 1637
 International Association)
 Political Action League,)
 and as Treasurer,)
 Cecil D. Clay)

GENERAL COUNSEL'S BRIEF

I. Statement of Case

On May 22, 1984, the Commission found reason to believe that the Sheet Metal Workers International Association Political Action League ("SMWIAPAL") and as Treasurer, Cecil D. Clay, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of limitations to the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") during the 1982 primary election campaign.

SMWIAPAL made three contributions to the Kennedy Committee during 1982:

<u>AMOUNT OF CONTRIBUTION</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION REPORTED BY CONTRIBUTOR</u>	<u>DATE OF KENNEDY RECEIPT</u>	<u>DESIGNATION REPORTED BY RECIPIENT</u>
\$1,000	4-23-81	Primary	5-18-81	Primary
4,000	5-19-81	Primary	8-10-81	Primary
5,000	6-29-82	Primary	7-14-82	General

The Massachusetts primary was held September 14, 1982.

In response to the reason to believe findings, SMWIAPAL provided internal contemporaneous documents which it offered as evidence that the respondent intended to designate the June 29, 1982, contribution of \$5,000 to the general rather than the primary election. One document is an internal memorandum from the legislative director to the union president dated June 30,

Attachment A (1)

05040371452

1982, containing a recommendation that SMWIAPAL contribute to five candidates. The memorandum apparently was prepared with the contribution checks. The memo recommended \$5,000 to each of five candidates, including Senator Kennedy. It stated that the contributions would "bring us to our maximum contribution" for each candidate.

The second document offered as evidence of designation intent is another internal memorandum dated September 22, 1982, which lists numerous contributions to candidates indicating the amount and election designation. It also notes "Massachusetts: Ted Kennedy, maxed out."

SMWIAPAL argues that the \$5,000 contribution dated June 29, 1982, was intended for the general election, that the internal memoranda contemporaneously generated support that intention and that the notations of "primary" on the check itself and on the disclosure reports were marked in error. The PAC has amended its reports to reflect a general election contribution.

II. Legal Analysis

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceed \$5,000.

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made

A (2)

after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election, the contribution will be attributable for the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

Based on the regulation at 11 C.F.R. § 110.1(a), the contributor's election designation must be in writing if it alters the function of the regulatory presumption. Furthermore, the written designation will be effective if it is contemporaneously communicated to the recipient. Absent such written communication, the recipient must rely on the date of the contribution to determine the particular election designation as set forth in 11 C.F.R. § 110.1(a).

In this case, SMWIAPAL's internal documents indicated that the PAC recognized the contribution limits of \$10,000 per two elections. However, SMWIAPAL provides no evidence that its apparent intention to designate a pre-primary gift of \$5,000 to the Kennedy Committee's general election was communicated to the recipient in writing. In fact, the \$5,000 check transmitted to the Kennedy Committee contained the notation "Senatorial Massachusetts Primary," which clearly indicates a primary election contribution. Therefore, SMWIAPAL's pre-primary contribution of \$5,000 follows the presumption of 11 C.F.R. § 110.1(a) and accordingly, is considered a primary election

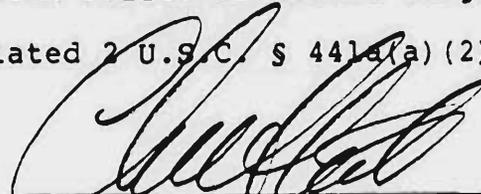
contribution. The presumption of a primary election designation is confirmed by the notation on the check which conveys to the recipient the contributor's apparent intent to make a donation for the primary election. As a result, SMWIAPAL's contribution of \$5,000 dated June 29, 1982 constitutes a contribution made in excess of limitations at 2 U.S.C. § 441a(a)(2)(A).

The Office of General Counsel is prepared to recommend that the Commission find probable cause to believe that SMWIAPAL violated 2 U.S.C. § 441a(a)(2)(A) in this matter.

III. General Counsel's Recommendation

Find probable cause to believe that the Sheet Metal Workers International Association Political Action League and as Treasurer, Cecil D. Clay, violated 2 U.S.C. § 441a(a)(2)(A).

4 February 1985
Date



Charles N. Steele
General Counsel



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1985

Krista M. Fogleman, Esquire
Rogovin, Huge and Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1637
Sheet Metal Workers
International Association
Political Action League
Cecil D. Clay, Treasurer

Dear Ms. Fogleman:

Based on a complaint filed with the Commission on March 5, 1984, and information supplied by you, the Commission determined on May 22, 1984, that there was reason to believe that your client had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and instituted an investigation of this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that a violation has occurred.

Submitted for your review is a brief stating the provision of the General Counsel on the legal and factual issues of the case. Within fifteen days of your receipt of this notice, you may file with the Secretary of the Commission a brief (10 copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of General Counsel, if possible.) The General Counsel's brief and any brief which you may submit will be considered by the Commission before proceeding to a vote of probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request to the Commission for an extension of time in which to file a brief. The Commission will not grant any extensions beyond 20 days.

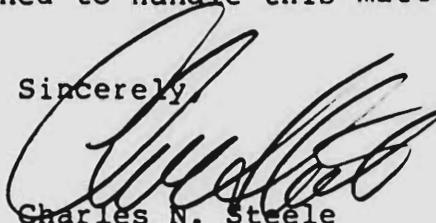
A finding of probable cause to believe requires that the Office of General Counsel attempt for a period of not less than thirty, but not more than ninety, days to settle this matter through a conciliation agreement.

Attachment B (1)

Cecil D. Clay, Treasurer
Page 2

Should you have any questions, please contact Frances B. Hagan, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,



Charles N. Steele
General Counsel

Enclosure
Brief

05040371467

B(2)

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Committee to Re-elect) MUR 1637
)
Senator Kennedy, et al.)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of January 23, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1637:

1. Find reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 11 C.F.R. § 104.14(d).
2. Find no reason to believe that the Engineers Political Education Committee/ International Union of Operating Engineers and its treasurer, Frank Handley, violated 11 C.F.R. § 104.14(d).
3. Find no reason to believe that the Sheet Metal Workers International Association Political Action League and as treasurer, Cecil D. Clay, violated 11 C.F.R. § 104.14(d).
4. Send the letters attached to the General Counsel's report dated January 11, 1985.

Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmatively for the decision; Commissioners Harris and McDonald dissented.

Attest:

1-24-85
Date

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



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1985

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Committee to Re-elect
Senator Kennedy
John F. Zamparelli, Treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your client of the Commission's reason to believe findings concerning certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on January 23, 1985, determined that there is reason to believe that your client has violated 11 C.F.R. § 104.14(d) of the Commission Regulations. Specifically, the following contributions were made for the primary election and reported by the Kennedy Committee as general election contributions:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE CONTRIBUTION</u>
EPEC/IUOE	\$2,500	6-09-82
SMWIAPAL	\$5,000	6-29-82

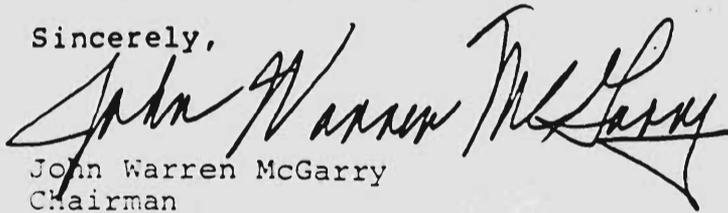
The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

William C. Oldaker, Esquire
MUR 1637
Page 2

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

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



John Warren McGarry
Chairman

05040371070



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

January 25, 1985

Michael R. Fanning, Counsel
Engineers Political Education
Committee/International Union
of Operating Engineers
1125 Seventh Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Engineers Political Education
Committee/International Union
of Operating Engineers
Frank Hanley, Treasurer

Dear Mr Fanning:

The Commission previously notified your client of violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

In addition, the Commission, on January 23, 1985, determined that on the basis of the information in the original complaint, and information provided by you, that there is no reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred in connection with the reporting of the election designations for contributions made in this case.

If you have questions concerning this issue, please contact Frances B. Hagan at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

05030:71471



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 25, 1985

Krista M. Fogleman, Esquire
Rogovin, Hugel and Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1637
Sheet Metal Workers'
International Association
Political Action League
Cecil Clay, Treasurer

Dear Ms. Fogleman:

The Commission previously notified your client of violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

In addition, the Commission, on January 23, 1985, determined that on the basis of the information in the original complaint, and information provided by you, that there is no reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred in connection with the reporting of the election designations for contributions made in this case.

If you have questions concerning this issue, please contact Frances B. Hagan at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

A handwritten signature in cursive script, appearing to read "Kenneth A. Gross", written over the typed name and title.

9604071472



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cot*
DATE: January 11, 1985
SUBJECT: MUR 1637- General Counsel's Report

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

CIRCULATIONS

48 Hour Tally Vote [X]
Sensitive [X]
Non-Sensitive []
24 Hour No Objection []
Sensitive []
Non-Sensitive []
Information []
Sensitive []
Non-Sensitive []

Other []

DISTRIBUTION

Compliance [X]
Audit Matters []
Litigation []
Closed MUR Letters []
Status Sheets []
Advisory Opinions []
Other (see distribution below) []

06030:71475

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
The Committee to Re-elect)
Senator Kennedy and its)
treasurer, John F. Zamparelli)
Engineers Political Education)
Committee/International Union of) MUR 1637
Operating Engineers and its)
treasurer, Frank Hanley)
Sheet Metal Workers International)
Association Political Action)
League and its treasurer,)
Cecil D. Clay)

GENERAL COUNSEL'S REPORT

On May 22, 1984, the Commission took the following action in this matter:

1. Found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:
 - a) Engineers Political Education Committee/IUOE;
 - b) Sheet Metal Workers International Association Political Action League.
2. Found reason to believe the following respondents violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Kennedy Committee during the 1982 primary election campaign:
 - a) Engineers Political Education Committee/IUOE and as treasurer, Frank Hanley;
 - b) Sheet Metal Workers International Assn. PAL and as treasurer, Cecil D. Clay.

On December 4, 1984, the Commission made determinations regarding the application of 11 C.F.R. § 104.14(d) and 11 C.F.R. § 110.1(a) in connection with contribution designations.

06040:71474

Specifically, the Commission stated that the recipient can rely on the presumptions of § 110.1(a) unless a written designation altering the operation of the presumptions is communicated to the recipient in writing. In such case, the intent of the contributor, as evidenced by the written designation, will control the designation. In addition, the failure to check the appropriate box designation on FEC forms may result in a violation of § 104.14(d).

In this case, the original reason to believe findings against these respondents were made before the Commission began its practice of including 11 C.F.R. § 104.14(d) in cases with similar designation questions. As a result, the General Counsel's Office is now recommending findings concerning this Regulation in keeping with the Commission's recent determinations.

The excessive contributions were made and reported as follows:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE OF CONTRIBUTION</u>	<u>DESIGNATION BY CONTRIBUTOR</u>	<u>DATE OF KENNEDY RECEIPT</u>	<u>DESIGNATION BY RECIPIENT</u>
EPEC/IUOE	\$5,000	5-26-81	P	6-8-81	P
	\$2,500	6-9-82	P	6-24-82	G
SMWIAPAL	\$1,000	4-23-81	P	5-18-81	P
	\$4,000	5-19-81	P	8-10-81	P
	\$5,000	6-29-82	P	7-14-82	G

The Primary in Massachusetts was held September 14, 1982.

Because each of the contributions was made prior to the primary date, they are considered primary contributions in accordance with the presumption at 11 C.F.R. § 110.1(a) and the

Commission's reiteration of that presumption in recent policy. Therefore, in response to the complainant's allegations, we recommend reason to believe against the Kennedy Committee and treasurer for violations of 11 C.F.R. § 104.14(d) for failure to disclose the appropriate election designation on reports. We also recommend no reason to believe against EPEC/IOUE and SMWIAPAL because their contributions were appropriately designated on disclosure reports.

RECOMMENDATIONS

1. Find reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 11 C.F.R. 104.14(d).
2. Find no reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers and its treasurer, Frank Handley, violated 11 C.F.R. § 104.14(d).
3. Find no reason to believe that the Sheet Metal Workers International Association Political Action League and as treasurer, Cecil D. Clay, violated 11 C.F.R. § 104.14(d).
4. Send attached letters.

Charles N. Steele
General Counsel

January 11, 1985
Date

BY:

Kenneth A. Gross
Associate General Counsel

Attachments

Three Letters to Respondents

06040:71475



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and Green, P.C.
1140 19th Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Committee to Re-elect
Senator Kennedy
John F. Zamparelli, Treasurer

Dear Mr. Oldaker:

The Federal Election Commission previously notified your client of the Commission's reason to believe findings concerning certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on , 19 , determined that there is reason to believe that your client has violated 11 C.F.R. § 104.14(d) of the Commission Regulations. Specifically, the following contributions were made for the primary election and reported by the Kennedy Committee as general election contributions:

<u>CONTRIBUTOR</u>	<u>AMOUNT</u>	<u>DATE CONTRIBUTION</u>
EPEC/IUOE	\$2,500	6-09-82
SMWIAPAL	\$5,000	6-29-82

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause. However, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

Attachment

William C. Oldaker, Esquire
MUR 1637
Page 2

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

If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

06940371173

A 22



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Krista M. Fogleman, Esquire
Rogovin, Huge and Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1637
Sheet Metal Workers'
International Association
Political Action League
Cecil Clay, Treasurer

Dear Ms. Fogleman:

The Commission previously notified your client of violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

In addition, the Commission, on _____, 198____, determined that on the basis of the information in the original complaint, and information provided by you, that there is no reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred in connection with the reporting of the election designations for contributions made in this case.

If you have questions concerning this issue, please contact Frances B. Hagan at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 2

0604071479



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Michael R. Fanning, Counsel
Engineers Political Education
Committee/International Union
of Operating Engineers
1125 Seventh Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Engineers Political Education
Committee/International Union
of Operating Engineers
Frank Hanley, Treasurer

Dear Mr Fanning:

The Commission previously notified your client of violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

In addition, the Commission, on _____, 198____, determined that on the basis of the information in the original complaint, and information provided by you, that there is no reason to believe that a violation of 11 C.F.R. § 104.14(d) occurred in connection with the reporting of the election designations for contributions made in this case.

If you have questions concerning this issue, please contact Frances B. Hagan at 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

As advised

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	MUR 1637
)	
Engineers Political Education)	
Committee of the International)	
Union of Operating Engineers)	
and as treasurer, Frank Hanley)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 16, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1637:

1. Enter into conciliation with Engineers Political Education Committee of the International Union of Operating Engineers and as treasurer, Frank Hanley, prior to a finding of probable cause to believe.
2. Approve the proposed conciliation agreement submitted with the General Counsel's Report signed January 11, 1985.
3. Approve and send the letter attached to the General Counsel's Report signed January 11, 1985.

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

Attest:

1-16-85
Date

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

Received in Office of Commission Secretary:	1-11-85, 3:00
Circulated on 48 hour tally basis:	1-14-85, 11:00

36040:71491



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Cit*
DATE: January 11, 1985
SUBJECT: MUR 1637 - General Counsel's Report

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

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
_____		_____	
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25040371432

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Engineers Political Education) MUR 1637
Committee of the International)
Union of Operating Engineers)
and as treasurer, Frank Hanley)

GENERAL COUNSEL'S REPORT

On May 22, 1984, the Commission found reason to believe that the Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE") and as treasurer, Frank Hanley, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Committee to Re-elect Senator Kennedy ("The Kennedy Committee") during the 1982 primary election campaign.

EPEC/IUOE made the following contributions to the Kennedy Committee for the 1982 primary election:

<u>AMOUNT</u>	<u>DATE</u>	<u>CONTRIBUTOR DESIGNATION</u>
\$5,000	5/26/81	Primary
\$2,500	6/9/82	Primary

The Massachusetts primary was held September 14, 1982. The contributor designated the contributions on reports to the primary election, but did not communicate the intended designations in writing. EPEC/IUOE stated that the second primary election designation was an error and that \$2,500 was intended for the general election.

Based on the presumption of the Regulations at 11 C.F.R. § 110.1(a) and in accordance with the Commission's determinations of December 4, 1984, the respondent's contributions, which were

made prior to the 1982 primary, are considered contributions to the Kennedy Committee's primary campaign. Therefore, EPEC/IUOE made contributions totaling \$2,500 in excess of limits at 2 U.S.C. § 441a(a)(2)(A).

After responding to the original complaint and discussing the issues by telephone with this Office, EPEC/IUOE requested pre-probable cause conciliation. Our recommendation is to enter into conciliation with the respondent with the attached proposed conciliation agreement.

05040371494

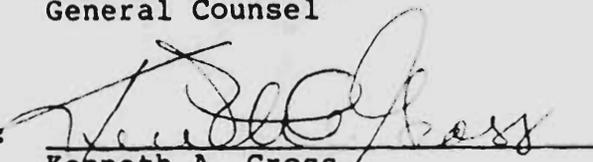
RECOMMENDATIONS

1. Enter into conciliation with Engineers Political Education Committee of the International Union of Operating Engineers and as treasurer, Frank Hanley, prior to a finding of probable cause to believe.

2. Approve the attached proposed conciliation agreement.
3. Approve and send the attached letter.

Charles N. Steele
General Counsel

January 11, 1985
Date

BY: 
Kenneth A. Gross
Associate General Counsel

Attachments
Proposed conciliation agreement
Letter to respondent

3604071125

Loc #3561

FEC



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International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST * WASHINGTON, D.C. 20036

AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100



Response to RTB

June 8, 1984

JUN 11 AM 11:35

2604071496

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

Re: MUR 1637

Dear Mr. Steele:

In response to the May 29, 1984 letter of Chairman Elliott, received on May 30, please be advised that EPEC/IUOE wishes to settle this matter through conciliation prior to a finding of probable cause.

I will await further information from your office concerning conciliation.

Sincerely,

Michael R. Fanning
Michael R. Fanning
Counsel

MRF/jlw



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN M. TEIR ^{SMT}

DATE: AUGUST 7, 1984

SUBJECT: MUR 1637 - COMPREHENSIVE INVESTIGATIVE
REPORT #1 signed August 3, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 11:00 on Monday, August 6, 1984.

There were no objections to the Report at the time of the deadline.

26040371937



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CK*
DATE: August 3, 1984
SUBJECT: MUR 1637 - Comprehensive Investigative Report #1

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

CIRCULATIONS

DISTRIBUTION

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

BEFORE THE FEDERAL ELECTION COMMISSION

FEDERAL ELECTION COMMISSION SECRETARY

84 AUG 3 P 4 : 48

In the Matter of)
)
 The Committee to Re-elect)
 Senator Kennedy and its)
 treasurer, John F. Zamparelli)
 Engineers Political Education)
 Committee/International Union of) MUR 1637
 Operating Engineers and its)
 treasurer, Frank Hanley)
 Sheet Metal Workers International)
 Association Political Action)
 League and its treasurer,)
 Cecil D. Clay)

SENSITIVE

COMPREHENSIVE INVESTIGATIVE REPORT #1

On May 22, 1984, the Commission took the following action in this matter:

1. Found reason to believe that the Committee to Re-elect Senator Kennedy ("the Kennedy Committee") and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:
 - a) Engineers Political Education Committee/IUOE;
 - b) Sheet Metal Workers International Association Political Action League.

2. Found reason to believe the following respondents violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Kennedy Committee during the 1982 primary election campaign:
 - a) Engineers Political Education Committee/IUOE and as treasurer, Frank Hanley;
 - b) Sheet Metal Workers International Assn. PAL and as treasurer, Cecil D. Clay.

On May 29, 1984, this Office notified the respondents of the Commission's determinations in this matter. In answering the

2604071499

Complaints offered varied

discussions by telephone with this
reason to believe settlement of this matter through
responses.

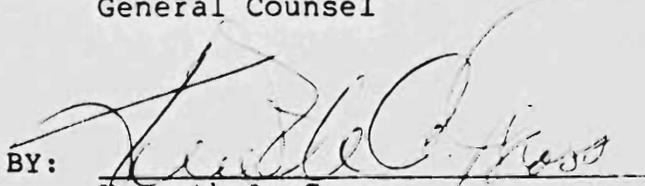
On July 18, 1984, also
Office, conciliation by telephone and in a brief meeting,
pre-processed, MWIAPAL provided documents which it offers as
follows. MWIAPAL provided documents which it offers as
corroborative evidence that its contributions to the Kennedy
Committee were made in accordance with 2 U.S.C. § 441a(a)(2)(A).

On July 26, 1984, the Kennedy Committee responded with a
statement requesting that the Commission dismiss the allegations.
This request contradicts the previous response to the original
complaint, in which the Kennedy Committee sought settlement of
the issues through conciliation should the Commission proceed to
reason to believe findings.

This Office will complete the analysis of these issues in
light of the Commission's recent decisions regarding handling of
similar Antosh complaints, and will prepare the appropriate
conciliation proposals and briefs for the Commission's review.

Charles N. Steele
General Counsel

August 3, 1984
Date

BY: 
Kenneth A. Gross
Associate General Counsel

010:71A

CC# 4168

EPSTEIN BECKER BORSODY & GREEN, P.C.
ATTORNEYS AT LAW

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

1140 19TH STREET, N.W.
WASHINGTON, D.C. 20036
(202) 861-0900

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
(213) 556-8861

MALICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102
(817) 334-0701

FOUR EMBARCADERO
SAN FRANCISCO, CALIFORNIA 94111
415 398-5565

P.C. IN NEW YORK AND
WASHINGTON, D.C. ONLY

July 26, 1984

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

Re: FEC MUR 1637

Dear Mr. Steele:

This letter is in response to the Commission's determination that there is reason to believe that the Committee to Re-elect Senator Kennedy and its treasurer, John F. Zamparelli, ("Respondents") violated 2 U.S.C. § 441a(f) concerning contributions received in 1982 from the Engineers Political Education Committee, International Union of Operating Engineers ("EPEC-IUOE") and from the Sheet Metal Workers International Association Political League ("SMWIAPAL").

Respondents deny that they have violated 2 U.S.C. § 441a(f) with respect to the receipt of contributions from the above-mentioned committees. As discussed in detail in their initial response to the complaint, both the EPEC-IUOE and the SMWIAPAL contributions were accepted, allocated, reported and used by Respondents (1) in conformity with the contributor's intent, (2) in compliance with statutory limits and (3) for expenditures in the appropriate elections. Moreover, neither the Commission nor the Complainant has proffered any evidence to the contrary.

Additionally, Respondents find the Commission's determination of "reason to believe" regarding the EPEC-IUOE and SMWIAPAL contributions particularly without merit in light of the Commission's concurrent dismissal of similar allegations in connection with 1982 contributions received by Respondents from the AFL-CIO COPE-PCC and the IUD Voluntary Fund and from the International Ladies Garment Workers Union Campaign Committee. Respondents' actions with respect to accepting, allocating, reporting and using the above-cited

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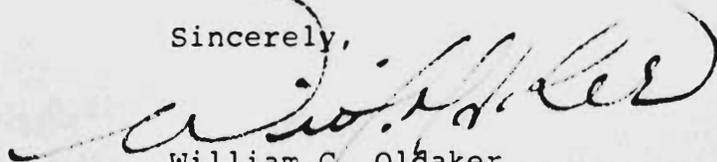
Charles N. Steele, Esquire
July 26, 1984
Page Two

contributions were identical to Respondents' conduct regarding the EPEC-IUOE and SMWIAPAL contributions. Thus, Respondents cannot ascertain any rational reason for the Commission's "reason to believe" determination.

Respondents wish to respectfully point out to the Commission that a determination of "reason to believe" that a violation of federal election laws has occurred is a serious determination which should not be made in an arbitrary or capricious manner. Respondents, therefore, request the Commission to provide them with an explanation of and evidence/facts supporting their "reason to believe" determination in this matter, an explanation which due process concerns clearly mandate.

More importantly though, based on the facts as presented herein, Respondents request the Commission to dismiss the remaining allegations against them. However, if the Commission determines that the instance case, one in which (1) the candidate's committee accepted, allocated, reported and used contributions in accordance with the statutory limits and (2) the labor organization contributors have informed the Commission that such allocations comport with their intent and admitted to the Commission that the contributions in question were inadvertently misreported, is a case which the Commission desires to pursue, then Respondents stand willing to litigate this matter if necessary.

Sincerely,



William C. Oldaker
Counsel for Respondents,
Committee to Re-elect Senator
Kennedy and its treasurer,
John F. Zamparelli

WCO:ses

06040371192

00043676

LAW OFFICES
ROGOVIN, HUGÉ & LENZNER
A PROFESSIONAL CORPORATION

1730 RHODE ISLAND AVENUE, N. W.
WASHINGTON, D. C. 20036

MITCHELL ROGOVIN
HARRY HUGÉ
TERRY F. LENZNER
GEORGE T. FRAMPTON, JR.
JONATHAN D. SCHILLER
DAVID R. BOYD
RONNA LEE BECK
EUGENE J. COMEY
VICKI C. JACKSON
KRISTA M. FOGLEMAN
SUSAN L. CARNEY
SAUL B. GOODMAN
RANDALL LEE SPECK
MICHAEL D. LOWE
GARY K. HARRIS
LISA R. MARK
JEFFREY H. BLATTNER
JAMES E. PFANDER

JAMES F. NEAL
OF COUNSEL

June 18, 1984

TELEPHONE
(202) 466-6464

TELECOPIER
(202) 466-6420

HAND DELIVER

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

Re: MUR 1637
Sheet Metal Workers' International
Association Political Action League

Dear Chairman Elliott:

This is in response to your letter of May 29, 1984 to me regarding the above-referenced matter. In that letter, you asked that SMWIA-PAL provide you with copies of any internal contemporaneous documentation which would show SMWIA-PAL's intent to designate the June 29, 1982 contribution of \$5,000 to the Kennedy Committee's general election campaign. Two such items of documentation are attached to this letter.

Appendix 1 is a memorandum from Ralph Willham, Legislative Director of SMWIA, to Edward J. Carlough, General President of SMWIA, dated June 30, 1982, a date past the date of almost all primary elections for federal candidates. The memorandum recommends that contributions of \$5,000 be made to five candidates for federal office and notes that each of those contributions would bring PAL to its contribution limit for the candidate. "Ted Kennedy, Massachusetts" is one of the candidates listed. PAL's check no. 142, dated June 29, 1982 was one of the checks submitted with the June 30, 1982 memorandum for General President Carlough's approval and was a \$5,000 contribution for the general election. This memorandum shows that PAL believed it would reach its limit on contributions to Senator Kennedy upon making the contribution referred to in the memorandum.

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ROGOVIN. HUGE & LENZNER

A PROFESSIONAL CORPORATION

Lee Ann Elliott
June 18, 1984
Page Two

Exhibit 2 are copies of pages 6 and 7 of Schedule B, "Itemized Disbursements" of the July 15, 1982 Quarterly Report submitted by the FEC by PAL. It shows the other contributions noted on Schedule B and lists the date of those contributions as June 29, 1982, the same date on check no. 142, payable to the Kennedy for Senate Committee. See, e.g., items C through I on page 6 and item A on page 7 showing direct and in-kind contributions to all the candidates listed on the June 30, 1982 memorandum. It therefore appears that when the June 20 memorandum was prepared, PAL representatives were aware that the maximum contribution for both the primary and general elections had been reached for all candidates listed in the memorandum. However, when the FEC report was apparently prepared using the checkbook memoranda or the actual checks and, as the Commission is aware, the check memorandum incorrectly stated that the June 29, 1982 contribution to Senator Kennedy's committee was for a primary election.

Exhibit 3 is a memorandum, also from Mr. Willham to Mr. Carlough, dated September 22, 1982. This memorandum reviews possible contributions to be made to a number of candidates and also lists contributions previously made to each candidate, if any. Unlike other candidates on this list which have notations such as "2,500 P" indicating a contribution for the primary election or "5,000 G" for the general election, the notation for Senator Kennedy is:

Massachusetts: Ted Kennedy, maxed out

As no contributions were made to Senator Kennedy's campaign between the June 29 contribution and the September 22, 1982 memorandum, it is clear that Mr. Willham and General President Carlough, the two persons most involved in making day-to-day recommendations and decisions on PAL contributions, believed that the maximum contribution had been given to Senator Kennedy for both the primary and general elections.^{1/}

^{1/} Regarding Exhibit 3, as there is no assurance that such a document is protected from production by the Commission upon a request made under the Freedom of Information Act, this document has been redacted. Only irrelevant matter has been deleted.

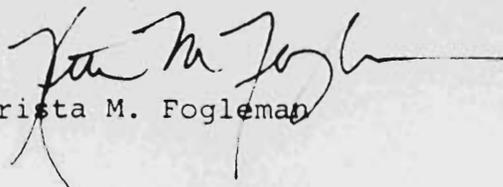
ROGOVIN, HUGE & LENZNER

A PROFESSIONAL CORPORATION

Lee Ann Elliott
June 18, 1984
Page Three

In view of this contemporaneous documentation, it is clear that both the notation on the June 29, 1982 check and the July 15, 1982 Quarterly Report to the FEC were clerical errors and that no improper contribution was made. As I have discussed with Ms. Frances B. Hagan of your office, we would be most willing to have any PAL representative meet with Commission staff to answer any additional questions the Commission might have on this matter. Please do not hesitate to contact us if such a meeting would be helpful or if any other information would be useful to your resolution of this matter.

Sincerely,



Krista M. Fogleman

KMF:mc
Enclosures

0604071405

MEMO

TO: Edward J. Carlough
FROM: Ralph E. Willham
DATE: June 30, 1982
SUBJ: PAL Contributions

I recommend the following contributions:

\$5,000 to the following candidates, which will bring us to our maximum contribution:

Ted Wilson, Utah
George Mitchell, Maine
Paul Sarbanes, Maryland
Robert Byrd, West Virginia
Ted Kennedy, Massachusetts

\$3,500 to Daniel Patrick Moynihan, which will also bring him to the maximum.

\$4,833 to Floyd Fithian, which with our In-kind contributions will bring him to the maximum.

06010371495

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gerald Sikorski, 6th district Minn. Sent to: John O'Connor, Bus Mgr LU 76 - 1681 E. Cope Avenue St. Paul Minnesota 55109	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
B. Full Name, Mailing Address and ZIP Code Steny Hoyer, 5th district Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Purpose of Disbursement Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Ted Wilson, Utah, sent to: Hershel Thompson, Bus Mgr LU 312, 2261 S. Redwood Road, Suite D Salt Lake City, Utah 84119	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
D. Full Name, Mailing Address and ZIP Code George Mitchell, Maine sent to: Dick Grandmaison, LU 545 PO Box 1742, Lewiston Maine 94240	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
E. Full Name, Mailing Address and ZIP Code Paul Sarbanes, Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
F. Full Name, Mailing Address and ZIP Code Robert Byrd, West Virginia sent to: Fred Kirschner, bus Mgr LU 5, 60 W. Indianola Avenue Youngstown, Ohio 44507	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
G. Full Name, Mailing Address and ZIP Code Daniel P. Moynihan, New York sent to: Charles Hertel, Bus Mgr LU 38 - 898 Washington St. Box 288 Peekskill, New York 10566	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	3,500.00
H. Full Name, Mailing Address and ZIP Code Floyd Fithian, Indiana sent to; Richard Peck, Bus Mgr LU 156 PO Box 9158, Fort Wayne, Indiana 46899	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	4,833.00
I. Full Name, Mailing Address and ZIP Code Kogod Liquors Inc. 441 New Jersey Avenue ,N.W. Washington, D.C. 20002	Purpose of Disbursement Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	Amount of Each Disbursement This Period In Kind 31.77
SUBTOTAL of Disbursements This Page (optional)			30,364.77
TOTAL This Period (last page this line number only)			

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page 7 of 7 for
 LINE NUMBER 21
 (Use separate schedule(s) for each
 category of the Detailed
 Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
 Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code Eloise's Catering 8003 Boulder Lane Silver Spring, Maryland 20910	Purpose of Disbursement Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/29/82	Amount of Each Disbursement This Period 135.00 In Kind
B. Full Name, Mailing Address and ZIP Code Edward Kennedy, Massachusetts sent to: Jim Golden Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/29/82	Amount of Each Disbursement This Period 5,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			5,135.00
TOTAL This Period (last page this line number only)			144,249.77

REDACTED

MEMO

TO: Edward J. Carlough
FROM: Ralph E. Willham
DATE: September 22, 1982
SUBJ: PAL Contributions re: your memo to me of September 15; attached

I met with [redacted] on September 21, 1982 and went over the List of House and Senate races. The following is a list of contributions to [redacted] races that we propose. (parenthesis indicates previous contributions)

- \$1,000, 6th Alabama, Ben Erdreich
- \$1,000, 2nd Alabama, Billy Joe Camp
- \$2,500, 1st California, Doug Bosco
- \$2,500, 30th California, Marty Martinez (1,000 P)
- \$1,000, 3rd Colorado, Ray Kogovsek (1,000 P)
- \$2,500, 2nd Connecticut, Sam Gejdenson
- \$2,500, 6th Connecticut, Bill Curry - Moffetts old seat
- \$2,500, At Large, Delaware, Tom Carper
- \$2,500, 9th Florida, George Sheldon (5,000 P)
- \$1,500, 16th Florida, Larry Smith
- \$1,000, 1st Idaho, Larry La Rocco (1,500 G)
- \$1,000, 17th Illinois, Lane Evans (1,500 G)
- \$1,500, 18th Illinois, Doug Stevens (1,000 G)
- \$1,000, 20th Illinois, Richard Durbin (1,500 G)
- \$2,500, 2nd Indiana, Phil Sharp (2,000 G)
- \$1,500, 3rd Iowa, Lynn Cutler
- \$1,500, 2nd Kansas, Jim Slattery (1,000 G)

- \$1,500, 6th Massachusetts, Nick Mavroules (1,000 P)
- \$2,500, 6th Michigan, Bob Carr
- \$1,500, 5th Michigan, Steve Monsma (1,000 P)
- \$1,500, 6th Minnesota, Gerry Sikorski (1,000 P)
- \$2,000, 7th Minnesota, Gene Wenstrom (500 P)
- \$1,500, 2nd Mississippi, Robert Clarke

REDACTED

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- \$2,500, 4th Mississippi, Wayne Dowdy, (supported in Special Election)
- \$1,500, 2nd Nebraska, Richard Fellman (1,000 G)
- \$1,500, 1st Nevada, Harry Reid (1,000 G)
- \$2,500, 3rd New Jersey, James Howard
- \$1,500, 4th New Jersey, Joe Merlino
- \$1,000, 3rd New Mexico, Bill Richardson
- \$2,500, 3rd New York, Bob Mrazek
- \$1,500, 22nd New York, Peter Peyser (500 G)
- \$2,500, 14th New York, Leo Zeferetti
- \$2,000, 28th New York, Matt McHugh (500 G)
- \$1,000, 9th Ohio, Marcy Kaptur (1,500 G)
- \$1,500, 12th Ohio, Bob Shamansky
- \$1,000, 2nd Oregon, Larryann Willis
- \$1,500, 2nd Pennsylvania, William Gray
- \$2,500, 4th Pennsylvania, Joe Kolter
- \$1,500, 8th Pennsylvania, Peter Kostmayer
- \$2,500, 21st Pennsylvania, Buzz Andrezeski(2,500 P, 2,500 G)
- \$1,000, At Large, South Dakota, Tom Daschle (500 G)
- \$2,500, 4th Tennessee, James Cooper
- \$1,500, 7th Tennessee, Bob Clement
- \$1,500, 14th Texas, Bill Patman
- \$1,000, 16th Texas, Ron Coleman (500 G)
- \$1,000, 1st Utah, Steve Dirks (1,500 P)
- \$1,500, 2nd Utah, Frances Farley (1,000 P)
- \$1,000, 8th Virginia, Herb Harris (1,000 G)
- \$1,000, 9th Virginia, Fred Eoucher
- 10th Virginia, Ira Leschner, recommend no contribution, (1,000 P 2,000 G)

- \$2,500, 5th Washington, Tom Foley
- \$1,000, 1st West Virginia, Bob Mollohan
- \$1,500, 2nd West Virginia, Harley Staggers Jr. (1,000 G)
- \$1,000, 3rd West Virginia, Bob Wise
- \$1,500, 3rd Wisconsin, Paul Offner

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REDACTED

The following is a list of races not on the
but recommended by for contribution.

- \$2,500, 5th Arizona, James McNulty
- \$5,000, 5th California, Phil Burton (5,000 P)
- \$2,500, 5th Colorado, Tom Cronin
- \$2,500, 19th Florida, Dante Fascell
- \$1,000, 5th Missouri, Allen Wheat
- \$1,500, 11th Pennsylvania, Frank Harrison (1,000 G)
- \$1,000, 6th Virginia, James Olin

Senate

Arizona: Dennis DeConcini, (2,500 P)

Hawaii: Spark Matsunaga, recommend no contribution (2,000 P, 5,000 G)

Maryland: Paul Sarbanes, maxed out

Massachusetts: Ted Kennedy, maxed out

\$5,000, Michigan: Don Reigle, (1,000 P)

New York: Daniel P. Moynihan, maxed out

Ohio: Howard Metzenbaum, maxed out

Tennessee, Jim Sasser, (5,000 G) recommend \$5,000 if it can be applied
to primary debt, we will check

\$5,000, Washington: Henry Jackson (5,000 P)

Maine: George Mitchell, maxed out

Montana: John Melcher, maxed out

REDACTED

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\$2,500, North Dakota: Quentin Burdick (2,500 G)

West Virginia: Robert Byrd, maxed out

\$5,000, California: Edmund Brown (5,000 P)

\$5,000, Delaware: Dave Levinson. Could also contribute to his primary debt, we will check.

\$5,000, Rhode Island: Julius Michaelson (5,000 P)

Utah: Ted Wilson, maxed out

Indiana: Floyd Fithian, maxed out

Missouri: Harriet Woods, recommend no contribution (3,750 P, 5,000 G)

Wyoming: Roger McDaniel, recommend no contribution, (3,500 P, 5,000 G)

The following list are my own recommendations

REDACTED

9504071502

Case # 3561



★
★
★
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International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 429-9100



June 8, 1984

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

Re: MUR 1637

Dear Mr. Steele:

In response to the May 29, 1984 letter of Chairman Elliott, received on May 30, please be advised that EPEC/IUOE wishes to settle this matter through conciliation prior to a finding of probable cause.

I will await further information from your office concerning conciliation.

Sincerely,

Michael R. Fanning
Michael R. Fanning
Counsel

MRF/jlw

85040171503

OFFICE OF GENERAL PRESIDENT

International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036

84 JUN 11 A 8:26

FEC

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

060407153



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 29, 1984

Michael R. Fanning, Esquire
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Engineers Political Education
Committee/International Union
of Operating Engineers (EPEC-
IUOE)
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 12, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your client's explanation of this matter which was dated March 28, 1984.

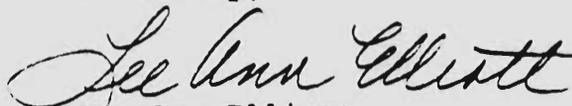
Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22, 1984, determined that there is reason to believe that EPEC-IUOE and as treasurer, Frank Hanley, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, please provide copies of any internal contemporaneous documentation which may show EPEC-IUOE's intent to designate the June 9, 1982 contribution of \$2,500 to the Kennedy Committee's general election campaign. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

Michael R. Fanning, Esquire
Page 2

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



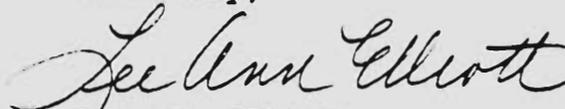
Lee Ann Elliott
Chairman

0 5 0 4 0 5 7 1 3 0 6

Krista M. Fogleman, Esquire
Page 2

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott
Chairman

25040:71508



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 29, 1984

Margaret E. McCormick, Esquire
AFL-CIO COPE-PCC
AFL-CIO IUD Voluntary Fund
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1637
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer
IUD Voluntary Fund
Elmer Chatak, Treasurer

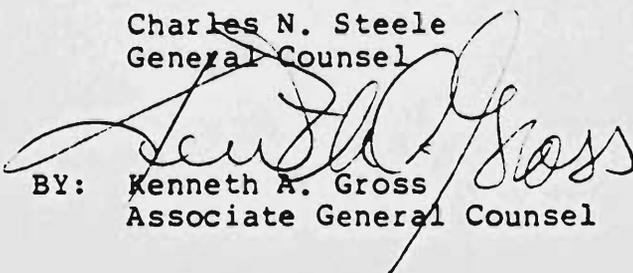
Dear Ms. McCormick:

On March 12, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on May 22, 1984, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your clients. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, DC 20463

May 29, 1984

Max Zimny, General Counsel
International Ladies Garment Workers
Union Campaign Committee
1710 Broadway
New York, New York 10019

RE: MUR 1637
International Ladies Garment
Workers Union Campaign
Committee

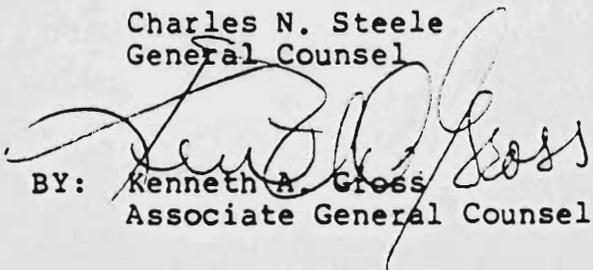
Dear Mr. Zimny:

On March 12, 1984, 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 May 22, 1984, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

May 29, 1984

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Edward M. Kennedy
John F. Zamparelli
Robert Fitzgerald
Committee to Re-elect Senator
Kennedy

Dear Mr. Oldaker:

The Federal Election Commission notified your clients on March 12, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated April 19, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on May 22, 1984, determined that there is reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f), a provision of the Act, concerning contributions received from the Engineers Political Education Committee, International Union of Operating Engineers (EPEC-IUOE), and from the Sheet Metal Workers International Association Political League (SMWIAPAL). The Commission found no reason to believe that the Kennedy Committee violated 2 U.S.C. § 441a(f) in connection with 1982 primary contributions received from the AFL-CIO COPE-PCC and IUD Voluntary Fund and from the International Ladies Garment Workers Union Campaign Committee.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response and answers to the attached questions within ten days of your receipt of this notification.

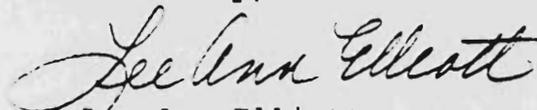
William C. Oldaker, Esquire

Page 2

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause as you have requested; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,



Lee Ann Elliott
Chairman

Enclosures
Questions

03040:71512

QUESTIONS

1. Please provide copies of letters sent by the Kennedy Committee to EPEC-IUOE and SMWIAPAL confirming the amount and election designation of contributions received from these committees.

2. Provide evidence, if available, of contemporaneous responses to the confirmation letters from EPEC-IUOE and SMWIAPAL.

36040371316

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Edward M. Kennedy,)
 et al.)

MUR 1637

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of May 22, 1984, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 1637:

1. Find no reason to believe that the AFL-CIO COPE-PCC, and Thomas R. Donahue, as treasurer, and its affiliate, the IUD Voluntary Fund, and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) for contributions made to the Committee to Re-elect Senator Kennedy during the 1982 primary election campaign.
2. Find no reason to believe that the ILGWU Campaign Committee, and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) for contributions made to the Committee to Re-elect Senator Kennedy during the 1982 primary election campaign.

(Continued)

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3. Find no reason to believe the Committee to Re-elect Senator Kennedy, and John F. Zamparelli, as treasurer, violated 2 U.S.C. § 441a(f) for receipt of contributions from the following committees during the 1982 primary election campaign:
- a) AFL-CIO COPE-PCC and IUD Voluntary Fund;
 - b) ILGWU Campaign Committee.
4. Find reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:
- a) Engineers Political Education Committee/IUOI;
 - b) Sheet Metal Workers International Association Political Action League.
5. Find reason to believe the following respondents violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Kennedy Committee during the 1982 primary election campaign:
- a) Engineers Political Education Committee/IUOE and as treasurer, Frank Hanley;
 - b) Sheet Metal Workers International Assn. PAL and as treasurer, Cecil D. Clay.

(Continued)

6. Send the letters attached to the General Counsel's May 14, 1984 report on this matter.

Commissioners Aikens, Elliott, Harris, McDonald, McGarry, and Reiche voted affirmatively for the decision.

Attest:

5-23-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

1604071515



FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *CA*
DATE: May 14, 1984
SUBJECT: MUR 1637 - First General Counsel's Report

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

0304071517

CIRCULATIONS		DISTRIBUTION	
48 Hour Tally Vote	<input checked="" type="checkbox"/>	Compliance	<input checked="" type="checkbox"/>
Sensitive	<input checked="" type="checkbox"/>	Audit Matters	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Litigation	<input type="checkbox"/>
24 Hour No Objection	<input type="checkbox"/>	Closed MUR Letters	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>	Status Sheets	<input type="checkbox"/>
Non-Sensitive	<input type="checkbox"/>	Advisory Opinions	<input type="checkbox"/>
Information	<input type="checkbox"/>	Other (see distribution below)	<input type="checkbox"/>
Sensitive	<input type="checkbox"/>		
Non-Sensitive	<input type="checkbox"/>		
Other	<input type="checkbox"/>		
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SENSITIVE

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

RECEIVED

SECRETARY

FIRST GENERAL COUNSEL'S REPORT P 3: 45

DATE AND TIME OF TRANSMITTAL BY MUR NO. 1637
OGC TO THE COMMISSION 5/14/84-3:45 STAFF MEMBER Frances B. Hagan

COMPLAINANT'S NAME: James Edward Antosh

RESPONDENTS' NAMES: Edward M. Kennedy
The Committee to Re-elect Senator Kennedy
and its treasurers, John F. Zamparelli and
Bob Fitzgerald
AFL-CIO Committee on Political Education
Political Contributions Committee and its
treasurer, Thomas R. Donahue
Industrial Union Department, AFL-CIO
Voluntary Fund and its treasurer,
Elmer Chatak
Engineers Political Education Committee/
International Union of Operating
Engineers and its treasurer,
Frank Hanley
International Ladies Garment Workers
Union Campaign Committee and its
treasurer, Lawrence Dock
Sheet Metal Workers International
Association Political Action League
and its treasurers, Davis Turner and
Cecil D. Clay

RELEVANT STATUTE: 2 U.S.C. § 441a(a)(2)(A)
2 U.S.C. § 441a(f)
11 C.F.R. § 104.14(d)
11 C.F.R. § 102.9(e)
11 C.F.R. § 110.1(a)(2)(i)

INTERNAL REPORTS
CHECKED: MUR 1488

FEDERAL AGENCIES
CHECKED: None

SUMMARY OF ALLEGATIONS

1. Complainant alleges that the following political action committees violated 2 U.S.C. § 441a(a)(2)(A) by making excessive contributions to the Committee to Re-elect Senator Kennedy ("the

96010371518

Kennedy Committee") during the 1982 Massachusetts primary election:

- a) AFL-CIO Committee on Political Education Political Contributions Committee ("COPE-PCC") and its affiliate Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund")
- b) Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE")
- c) International Ladies Garment Workers Union Campaign Committee ("ILGWUCC")
- d) Sheet Metal Workers International Association Political Action League ("SMWIAPAL")

2. Complainant alleges that Senator Edward M. Kennedy, the Committee to Re-elect Senator Kennedy and its treasurers violated 2 U.S.C. § 441a(f) for receipt of contributions in excess of limitations at 2 U.S.C. § 441a(a)(2)(A) from the above-named committees.

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any federal election which in the aggregate, exceed \$5,000.

2 U.S.C. § 441a(f) prohibits receipt of contributions violative of this section.

According to a complaint filed by James Edward Antosh, the Committee to Re-elect Senator Kennedy received the following contributions for the September 14, 1982, primary election

6
1
2
1
7
1
0
4
0
0

totaling \$11,000 in excess of limitations at 2 U.S.C.

§ 441a(a)(2)(A):

<u>Contributor</u>	<u>Contribution Amount</u>	<u>Date of Kennedy Committee Receipt</u>	<u>Apparent Excessive Amount</u>
AFL-CIO COPE-PCC	\$ 1,000 4,000	4/24/81 7/2/81	
IUD Voluntary Fund (COPE-PCC affiliate)	1,000	6/19/81	
TOTAL	\$ 6,000		\$ 1,000
EPEC-IUOE	\$ 5,000 2,500	6/8/81 6/24/82	
TOTAL	\$ 7,500		\$ 2,500
ILGWUCC	\$ 5,000 2,500	9/15/81 9/9/82	
TOTAL	\$ 7,500		\$ 2,500
SMWIAPAL	\$ 1,000 4,000 5,000	5/18/81 8/10/81 7/14/82	
TOTAL	\$ 10,000		\$ 5,000

Complainant asserts that FEC reports show that the EPEC-IUOE, ILGWUCC and SMWIAPAL designated each contribution for the primary election while the Kennedy Committee reported the apparent excessive portions as applicable to the general election.

11 C.F.R. § 110.1(a)(2)(i) makes it clear that contributions designated in writing by a contributor for a particular election are attributable to the limit set for that election. The regulation further states that a contribution made after a primary election and designated for the primary shall be made only to the extent of the net primary debt. In the case of a contribution not designated in writing for a particular election,

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the contribution will be attributable for the primary election if made on or before the primary date, and the contribution will be attributable to the general election if made after the primary election date.

11 C.F.R. § 102.9(e) states that if a candidate or authorized committee receives contributions prior to the primary election, which contributions are designated by the candidate or committee for use in the general election, such candidate or committee shall use an acceptable accounting method to distinguish between contributions received for the primary and general elections.

The Kennedy Committee Response to Complaint

In a response to the complaint, counsel for the Kennedy Committee (and respondents Edward M. Kennedy, treasurers John F. Zamparelli and Robert Fitzgerald) acknowledges the Committee's receipt of the contributions noted in the complaint, but denies that any contributions were accepted in excess of the \$5,000 limit per election set forth at 2 U.S.C. § 441a(a)(2)(A).

The Kennedy Committee states that "Respondents expended considerable expense and effort to establish a system to monitor and report all contributions made to its 1982 Committee." The response states that the Kennedy Committee maintained bank accounts to separate primary election contributions and expenditures from the general election financial activity.

The Kennedy Committee states that multicandidate committees often make their entire "election-cycle" contributions before the

primary. According to the response, when the contributions were not specifically designated for a particular election, the Kennedy Committee would deposit the first \$5,000 into its primary election account and any additional contributions up to \$5,000 in its general election account. The Kennedy Committee states that following this attribution, it "would write to the contributor political committee to confirm that such an allocation was intended by the contributor."

The Kennedy Committee contends that the complaint reveals incorrect reporting of election designations by contributing committees rather than instances of excessive contribution violations.

It is the General Counsel's position that the recipient committee cannot, without consent of the contributor, treat a contribution received before the primary as a general election contribution. (See 11 C.F.R. § 110.1(a)(2) and MUR 1488). While 11 C.F.R. § 102.9(e) (which requires separate accounting to distinguish between primary and general election contributions received before the primary) refers to "contributions . . . designated by the candidate or his or her authorized committee(s) for use in connection with the general election," this phrase should not be construed as permission for the recipient committee to assign contributions to a particular campaign without the contributors' consent. Such independent designation by the recipient committee could contravene both the contributor's intent as well as the rules for designated and undesignated contributions at 11 C.F.R. § 110.1(a)(2).

The Kennedy Committee states that its practice is to independently designate contributions in accordance with limitations when no designations accompany the contributions and to mail contemporaneous letters confirming the contributors' intent to make such designation. The Kennedy Committee does not provide a copy of letters sent or information received from contributors in response to the confirmation letters.

In instances where no contemporaneous evidence is available that the contributor intended the appropriate election designations, the Office of General Counsel recommends reason to believe against the Kennedy Committee for a violation of 2 U.S.C. § 441a(f).*/

Response of the AFL-CIO COPE-PCC and the IUD Voluntary Fund

Complainant alleges that COPE-PCC and the affiliated IUD Voluntary Fund contributed \$1,000 in excess of contribution limits to the Kennedy Committee during the 1982 primary campaign. Respondents' reply states that its internal records reflect the following contributions:

<u>Contributor</u>	<u>Date</u>	<u>Amount</u>	<u>Election Designation</u>
COPE-PCC	4/15/81	\$ 1,000	Primary
	6/16/81	4,000	Primary
	6/29/81	3,000	General
IUD Voluntary Fund	6/11/81	1,000	General
Political Education Fund of the Building and Trades Dept.	6/29/81	1,000	General
TOTAL = \$5,000 Primary, \$5,000 General			

*/ Since there appear to be no individual violations involving the candidate or treasurers, we make no recommendation concerning these individuals in their individual capacity, but have made recommendations in connection with the treasurers, in their capacity as treasurer.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Respondent states that the sentence was intended to ensure proper designation of contributions by recipient committees.

As a result of similar issues in MURs 1488 and 1492 in which EPEC is also a respondent, EPEC-IUOE has modified its administrative procedures "to assure that such oversights will not occur in the future." The response continues:

Since [1982], EPEC-IUOE includes in each transmittal letter an explicit designation of whether the contribution is intended for the primary or general election and, thereafter, such designation is reflected in the appropriate box on FEC Form 3.

The response argues that no violation of the Act occurred and that respondent has changed its procedures to ensure against future confusion of contribution designations.

There is no contemporaneous evidence of the contributor's intent concerning the contributions in question. No apparent effort was made at the time (beyond the boilerplate language noted above) to ensure that excessive contributions would not result. Therefore, this Office recommends that the Commission find reason to believe against EPEC-IUOE for a violation of 2 U.S.C. § 441a(a)(2)(A) and against the Kennedy Committee for a violation of 2 U.S.C. § 441a(f) in this matter. (See footnote, p. 6).

Response of ILGWUCC

Complainant alleges that ILGWUCC contributed \$2,500 in excess of contribution limits to the Kennedy Committee during the

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1982 primary campaign. Respondent states that its FEC reports reflected an incorrect election designation for the \$2,500 contribution dated August 27, 1982. On March 27, 1984, ILGWUCC amended its reports to reflect a general election contribution rather than a primary contribution. According to the acting treasurer of the ILGWUCC, the contributions were intended as follows:

<u>Date</u>	<u>Amount</u>	<u>Election Designation</u>
8/24/81	\$5,000	Primary
8/27/82	\$2,500	General

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Further, the response states that on August 27, 1982, the Executive Director of the ILGWUCC in Washington, D.C. gave instructions over the telephone to a secretary in New York City to send several contributions to various committees including \$2,500 to the Kennedy Committee's general election campaign. According to affidavits of the acting treasurer and the secretary receiving these instructions, the secretary forgot to note "general election" on the check and later mistakenly entered "Primary" on the check stub. The affidavits state that two weeks later, the secretary "had second thoughts about her accuracy" and checked with the Kennedy Committee to determine whether the contribution was accepted for the primary or general election. When she was informed that it had been received as a general election contribution, the secretary changed the check stub notation to reflect "General" rather than a primary designation. She states that she forgot to inform the auditor who prepared the FEC reports that the change had been made.

The respondent's affidavits reflect the ILGWUCC's intent to designate to the general election, the August 27, 1982, contribution of \$2,500. The affidavits are documented by copies of internal records which were corrected within two weeks of the error on the respondent's own initiative. The ILGWUCC provided a copy of the check stub showing "General" as the election designation. Therefore, this Office recommends no reason to believe and close the file against the ILGWUCC for a violation of 2 U.S.C. § 441a(a)(2)(A) and no reason to believe against the Kennedy Committee for a violation of 2 U.S.C. § 441a(f) in this matter. (See footnote, p. 6).

Response of SMWIAPAL

Complainant alleges that SMWIAPAL contributed \$5,000 in excess of limitations to the Kennedy Committee during the 1982 primary campaign. Respondent states that on April 23, 1981, May 19, 1981 and June 29, 1981, it made contributions totaling \$10,000, intending \$5,000 each for the primary and general election campaign.

The response notes that a check of \$1,000 dated April 23, 1981, prior to the September 14, 1982, primary showed no particular designation. Therefore, pursuant to 11 C.F.R. § 110.1(a)(2)(ii)(A), the contribution is applicable to the primary. A check of \$4,000 dated May 19, 1981, shows a primary election designation. Respondent states that the final check dated June 29, 1982, "inadvertently and mistakenly" noted a primary election designation. Respondent states that the \$5,000

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contribution was intended for the general election and was deposited into the Kennedy Committee's general election account. SMWIAPAL has amended its FEC reports to reflect a general election designation.

Because there is no evidence provided to indicate that SMWIAPAL intended its second \$5,000 contribution for the general election, this Office recommends findings of reason to believe against SMWIAPAL for a violation of 2 U.S.C. § 441a(a)(2)(A) and against the Kennedy Committee for a violation of 2 U.S.C. § 441a(f) in this matter. (See footnote, p. 6).

RECOMMENDATIONS

1. Find no reason to believe that the AFL-CIO COPE-PCC, and Thomas R. Donahue, as treasurer, and its affiliate, the IUD Voluntary Fund, and Elmer Chatak, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) for contributions made to the Committee to Re-elect Senator Kennedy during the 1982 primary election campaign.
2. Find no reason to believe that the ILGWU Campaign Committee, and Lawrence Dock, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) for contributions made to the Committee to Re-elect Senator Kennedy during the 1982 primary election campaign.
3. Find no reason to believe that the Committee to Re-elect Senator Kennedy, and John F. Zamparelli, as treasurer, violated 2 U.S.C. § 441a(f) for receipt of contributions from the following committees during the 1982 primary election campaign:
 - a) AFL-CIO COPE-PCC and IUD Voluntary Fund;
 - b) ILGWU Campaign Committee.
4. Find reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f) for receipt of contributions violative of 2 U.S.C. § 441a(a)(2)(A) during the 1982 primary election campaign from the following committees:
 - a) Engineers Political Education Committee/IUOE;
 - b) Sheet Metal Workers International Association Political Action League.

5. Find reason to believe that the following respondents violated 2 U.S.C. § 441a(a)(2)(A) by making contributions in excess of contribution limitations to the Kennedy Committee during the 1982 primary election campaign:
- a) Engineers Political Education Committee/IUOE and as treasurer, Frank Hanley;
 - b) Sheet Metal Workers International Assn. PAL and as treasurer, Cecil D. Clay.
6. Send attached letters.

Charles N. Steele
General Counsel

May 14, 1984
Date

BY:

Kenneth A. Gross
Kenneth A. Gross
Associate General Counsel

Attachments
Letters

0604071529



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

William C. Oldaker, Esquire
Epstein, Becker, Borsody and
Green, P.C.
1140 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Edward M. Kennedy
John F. Zamparelli
Robert Fitzgerald
Committee to Re-elect Senator
Kennedy

Dear Mr. Oldaker:

The Federal Election Commission notified your clients on March 12, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your clients at that time. We acknowledge receipt of your explanation of this matter which was dated April 19, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1984, determined that there is reason to believe that the Committee to Re-elect Senator Kennedy and as treasurer, John F. Zamparelli, violated 2 U.S.C. § 441a(f), a provision of the Act, concerning contributions received from the Engineers Political Education Committee, International Union of Operating Engineers (EPEC-IUOE), and from the Sheet Metal Workers International Association Political League (SMWIAPAL). The Commission found no reason to believe that the Kennedy Committee violated 2 U.S.C. § 441a(f) in connection with 1982 primary contributions received from the AFL-CIO COPE-PCC and IUD Voluntary Fund and from the International Ladies Garment Workers Union Campaign Committee.

You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Please submit any such response and answers to the attached questions within ten days of your receipt of this notification.

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William C. Oldaker, Esquire
Page 2

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause as you have requested; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Enclosures
Questions

85040371531

QUESTIONS

1. Please provide copies of letters sent by the Kennedy Committee to EPEC-IUOE and SMWIAPAL confirming the amount and election designation of contributions received from these committees.

2. Provide evidence, if available, of contemporaneous responses to the confirmation letters from EPEC-IUOE and SMWIAPAL.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Krista M. Fogleman, Esquire
Rogovin, Huger and Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

RE: MUR 1637
Sheet Metal Workers
International Association
Political Action League
Cecil D. Clay, Treasurer

Dear Ms. Fogleman:

The Federal Election Commission notified your client on March 12, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your client's explanation of this matter which was dated April 6, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1984, determined that there is reason to believe that the Sheet Metal Workers International Association Political Action League and as treasurer, Cecil D. Clay, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, please provide copies of any internal contemporaneous documentation which may show SMWIAPAL's intent to designate the June 29, 1982 contribution of \$5,000 to the Kennedy Committee's general election campaign. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

0604071533

Krista M. Fogleman, Esquire
Page 2

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

26040371334



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

Michael R. Fanning, Esquire
1125 Seventeenth Street, N.W.
Washington, D.C. 20036

RE: MUR 1637
Engineers Political Education
Committee/International Union
of Operating Engineers (EPEC-
IUOE)
Frank Hanley, Treasurer

Dear Mr. Fanning:

The Federal Election Commission notified your client on March 12, 1984, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time. We acknowledge receipt of your client's explanation of this matter which was dated March 28, 1984.

Upon further review of the allegations contained in the complaint and information supplied by you, the Commission, on , 1984, determined that there is reason to believe that EPEC-IUOE and as treasurer, Frank Hanley, violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Act. You may submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Specifically, please provide copies of any internal contemporaneous documentation which may show EPEC-IUOE's intent to designate the June 9, 1982 contribution of \$2,500 to the Kennedy Committee's general election campaign. Please submit any such response within ten days of your receipt of this notification.

The Office of General Counsel would like to settle this matter through conciliation prior to a finding of probable cause; however, in the absence of any information which demonstrates that no further action should be taken against your client, the Office of General Counsel must proceed to the next compliance stage.

Michael R. Fanning, Esquire
Page 2

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 your client wishes the matter to be made public. If you have any questions, please contact Frances B. Hagan, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

2604071535



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Margaret E. McCormick, Esquire
AFL-CIO COPE-PCC
AFL-CIO IUD Voluntary Fund
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1637
AFL-CIO COPE-PCC
Thomas R. Donahue, Treasurer
IUD Voluntary Fund
Elmer Chatak, Treasurer

Dear Ms. McCormick:

On March 12, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on , 1984, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your clients. Accordingly, the Commission closed its file in this matter as it pertains to your clients. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

0504071577



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Max Zimny, General Counsel
International Ladies Garment Workers
Union Campaign Committee
1710 Broadway
New York, New York 10019

RE: MUR 1637
International Ladies Garment
Workers Union Campaign
Committee

Dear Mr. Zimny:

On March 12, 1984, 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 _____, 1984, determined that on the basis of the information in the complaint and information provided by you, there is no reason to believe that a violation of any statute within its jurisdiction has been committed by your client. Accordingly, the Commission closed its file in this matter as it pertains to your client. This matter will become a part of the public record within 30 days after the file has been closed with respect to all respondents. The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter is closed. The Commission will notify you when the entire file has been closed.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

MEMORANDUM FROM
LESLIE J KERMAN

FRAN,

Enclosed please find
our response to MOR 1637.

Bill received the complaint on
April 5 (as indicated by ~~the~~^{the}
green Post Office slip) — that's
~~where~~ how we came up
with the April 20th due date.

Anywhere, here's the
response!

Thanks,

Leslie Kerman

6 3 2 1 7 5 0 6 9

EPSTEIN BECKER BORSODY & GREEN, P.C.

ATTORNEYS AT LAW
1140 19TH STREET, N.W.

WASHINGTON, D.C. 20036

(202) 861-0900

250 PARK AVENUE
NEW YORK, NEW YORK 10177
(212) 370-9800

MALICK TOWER
ONE SUMMIT AVENUE
FORT WORTH, TEXAS 76102
(817) 334-0701

1875 CENTURY PARK EAST
LOS ANGELES, CALIFORNIA 90067
(213) 556-8861

235 MONTGOMERY STREET
SAN FRANCISCO, CALIFORNIA 94104
(415) 398-5565

April 19, 1984

PC IN NEW YORK AND
WASHINGTON, D.C. ONLY

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

Re: FEC MUR 1637

Dear Mr. Steele:

This letter constitutes the response of Edward M. Kennedy, John F. Zamparelli, Robert Fitzgerald, and the Committee to Re-elect Senator Kennedy, (hereinafter "the Respondents") to a complaint, MUR 1637, which alleges that Respondents may have violated the Federal Election Campaign Act, 2 U.S.C. § 431, et seq. (hereinafter "the Act").

The complaint alleges that Respondents knowingly accepted contributions for the 1982 federal primary election from the AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund, (hereinafter "AFL-CIO/Affiliate"), in the aggregate amount of \$6,000.00, in excess of a statutory monetary ceiling. In addition, the complaint alleges that Respondents knowingly accepted an aggregate of \$7,500.00 in contributions for the 1982 federal primary election from the Engineers Political Education Committee/International Union of Operating Engineers, (hereinafter "EPEC/IOUE"), in violation of the statutory limitation. Further, the complaint alleges that Respondents knowingly accepted contributions for the 1982 federal primary election in the aggregate amount of \$7,500.00 from the International Ladies Garment Workers Union Campaign Committee (hereinafter "ILGWUCC") and in the aggregate amount of \$10,000.00 from the Sheet Metal Workers International Association Political Action League (hereinafter "SMWIAPAL").

Respondents acknowledge that contributions from the organizations stated above were accepted by the Committee to Re-elect Senator Kennedy (hereinafter "the Com-

Charles N. Steele, Esq.
April 19, 1984
Page Two

mittee") in 1981-82. However, Respondents deny that any such contributions were accepted in excess of the \$5,000.00 multi-candidate political committee contribution limit per election, as set forth in 2 U.S.C. § 441a(a)(2).

ANALYSIS

To ensure compliance with the Federal Election Campaign Act and the regulations promulgated thereunder, Respondents expended considerable expense and effort to establish a system to monitor and report all contributions made to its 1982 Committee. Respondents maintained separate bank accounts for both the primary and the general election, and deposited contributions and made disbursements accordingly.

Pursuant to the Act and regulations, multi-candidate political committees are allowed to contribute a maximum of \$10,000 to a candidate in a full election cycle (contributions of \$5,000 for the primary election and \$5,000 for the general election). As the Commission is aware, these political committees can, and often, make their entire "election-cycle" contributions prior to the date of the primary election. While some contributions are accompanied by letters explicitly designating the contribution for a particular (i.e., primary or general) election, many contributions are designated simply for "the Kennedy elections effort or by similar language.

In the latter situation, the standard practice of the Respondent Committee was to deposit the first \$5,000 contributed by a multi-candidate political committee into the Committee's primary account and to deposit any excess contributions, up to the \$5,000 limit, in its general account for general election expenditures. Concurrently, the Committee would write to the contributor political committee to confirm that such an allocation was intended by the contributor. This internal contribution-monitoring system, which was strictly adhered to, was aimed at preventing acceptance of contributions over the statutory limits and assuring proper allocation of contributions between the primary and general elections.

The Complaint therefore is meritless, because all the cited contributions, as amplified below, were accepted, allocated, reported and used by the Committee in compliance with the statutory limits and for expenditures in the appropriate elections:

Charles N. Steele, Esq.
April 19, 1984
Page Three

(1) The contributions accepted by Respondents for the 1982 federal primary and general elections from the AFL-CIO/Affiliate, itemized below as reported in the Respondent Committee's FEC reports, were within the statutory limits:

<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>CONTRIBUTOR</u>	<u>ELECTION</u>
4/24/81	\$1,000.00	AFL-CIO COPE-PCC	Primary
6/19/81	1,000.00	Industrial Union Department AFL- CIO Voluntary Fund	General (See Committee's June, 1982 FEC Report)
7/2/81	\$4,000.00	AFL-CIO COPE-PCC	Primary
7/2/81	\$3,000.00	AFL-CIO COPE-PCC	General
7/21/81	\$1,000.00	AFL-CIO COPE-PCC	General
TOTAL CONTRIBUTIONS			
	\$5,000.00	- Primary	
	\$5,000.00	- General	

(2) The contributions accepted by Respondents for the 1982 federal primary and general elections from the EPEC/IUOE, itemized below as reported in the Respondent Committee's FEC reports, were within the statutory limits:

<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>CONTRIBUTOR</u>	<u>ELECTION</u>
6/8/81	\$5,000.00	EPEC/IUOE	Primary
6/24/82	\$2,500.00	EPEC/IUOE	General
TOTAL CONTRIBUTIONS			
	\$5,000.00	- Primary	
	\$2,500.00	- General	

Charles N. Steele, Esq.
April 19, 1984
Page Four

(3) The contributions accepted by Respondents for the 1982 federal primary and general elections from the ILGWUCC, itemized below as reported in the Respondent Committee's FEC reports, were within the statutory limits:

<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>CONTRIBUTOR</u>	<u>ELECTION</u>
9/15/81	\$5,000.00	ILGWUCC	Primary
9/9/82	\$2,500.00	ILGWUCC	General
10/13/82	\$2,500.00	ILGWUCC	General

TOTAL CONTRIBUTIONS:

\$5,000.00 - Primary

\$5,000.00 - General

(4) The contributions accepted by Respondents for the 1982 federal primary and general elections from the SMWIAPAL, itemized below as reported in the Respondent Committee's FEC reports, were within the statutory limits:

<u>DATE RECEIVED</u>	<u>AMOUNT</u>	<u>CONTRIBUTOR</u>	<u>ELECTION</u>
5/18/81	\$1,000.00	SMWIAPAL	Primary
8/10/81	\$4,000.00	SMWIAPAL	Primary
7/14/82	\$5,000.00	SMWIAPAL	General

TOTAL CONTRIBUTIONS:

\$5,000.00 - Primary

\$5,000.00 - General

Therefore, as detailed above, Respondents deny that any contributions were accepted by its Committee in excess of the \$5,000.00 multi-candidate political committee contribution limit per election.

Charles N. Steele, Esq.
April 19, 1984
Page Five

In addition, Respondents contends that the complaint, as opposed to exposing excessive contribution violations, actually reveals instances of incorrect contribution reporting by the aforementioned contributors. Clearly, some of the contributions reported by the political committees as primary election contributions were, and should have been reported as, general election contributions. Thus, the true focus of MUR 1637 is the incorrect checking of allocation boxes by contributors, rather than unreported or excessive contribution violations. While the precise letter of the Act may not have been complied with by the reports of these contributors, surely, and more importantly, the spirit of the Act was satisfied.

Accordingly, Respondents request that the Commission take no further action in connection with this matter.

Should the Commission decide to proceed further, Respondents respectfully request that this matter be handled through voluntary informal conciliation at this stage in the Commission's proceedings.

Further, assuming arguendo that the Commission finds a violation(s) of the Act, Respondents contend that any such violation(s) was inadvertent, and not knowing or willful as the complaint alleges.

Sincerely,



William C. Oldaker
Counsel for Respondents
Edward M. Kennedy, John F. Zamparelli,
Robert Fitzgerald and the Committee
to Re-elect Senator Kennedy

0 6 0 4 9 7 / 1 5 1 4

8 6 0 4 0 5 7 1 5 4 5

EPSTEIN BECKER BORSODY & GREEN, P. C.

ATTORNEYS AT LAW

1140 19TH STREET, N. W.

WASHINGTON, D. C. 20036

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

Case 300
MUR 1637
Hagan

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)	
)	
Complainant,)	
)	
v.	)	Complaint
	)	MUR No. 1637
Edward M. Kennedy, et al.)	
)	
Respondents.)	
)	

AFFIDAVIT OF CECIL D. CLAY

DISTRICT OF COLUMBIA	)	ss:
)	

CECIL D. CLAY deposes and says:

1. I am General Secretary Treasurer of the Sheet Metal Workers' International Association ("SMWIA") and the Treasurer of SMWIA's Political Action League ("PAL"). I was serving in that capacity on June 29, 1982 when PAL's check number 1165 was written, and on July 10, 1982 when the July 15, 1982 Quarterly Report was signed by me.

2. At the time check number 1165 was signed by me on behalf of SMWIA-PAL, I was unaware of the clerical error made in stating on the check memorandum that the check was to be made for the general election in Senator Edward M. Kennedy's 1982 Senatorial campaign.

86040371540

3. At the time I signed the July 15, 1982 Quarterly Report to the FEC on behalf of SMWIA-PAL, I was unaware of the clerical error made in stating on page 7 of the Itemized Disbursements that the disbursement made to Senator Kennedy on June 29, 1982 in the amount of five thousand dollars was for the primary election.

4. The check memorandum discussed in paragraph 2 hereof and the report discussed in paragraph 3 hereof should have stated that the contribution was for the general election.

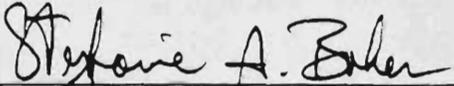
5. I have caused a corrected July 15, 1982 Quarterly Report to be filed with the FEC.

I declare under penalty of perjury that the foregoing is true and correct.



CECIL D. CLAY

Subscribed and sworn to before me this 11th day of April, 1984.



Notary Public

3 5 0 4 0 3 7 1 5 4 7

LAW OFFICES
ROGOVIN, HUGE & LENZNER
A PROFESSIONAL CORPORATION
1730 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

Kenneth A. Gross
Associate General Counsel
Federal Elections Commission
Suite 710
Washington, D.C. 20463

G CO # 2052

LAW OFFICES
ROGOVIN, HUGE & LENZNER
A PROFESSIONAL CORPORATION

1730 RHODE ISLAND AVENUE, N. W.
WASHINGTON, D. C. 20036

JAMES F. NEAL
OF COUNSEL

TELEPHONE
(202) 466-6464

TELECOPIER
(202) 466-6420

MITCHELL ROGOVIN
HARRY HUGE
TERRY F. LENZNER
GEORGE T. FRAMPTON, JR.
JONATHAN D. SCHILLER
DAVID R. BOYD
RONNA LEE BECK
EUGENE J. COMEY
WICKI C. JACKSON
KRISTA M. FOGLEMAN
SUSAN L. CARNEY
SAUL B. GOODMAN
RANDALL LEE SPECK
MICHAEL D. LOWE
GARY A. HARRIS
LISA R. MARK
JEFFREY H. BLATTNER
JAMES B. FRANDER

April 6, 1984

Handwritten: MUR 1637
Rogovin

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1637

Dear Mr. Gross:

Enclosed is the response of David Turner, Cecil Clay and the Sheet Metal Workers' International Association Political Action League ("SMWIA-PAL"), respondents in the above-referenced matter.

The response refers to affidavits of Ms. Ellen Scott and Cecil Clay. Unfortunately, both Ms. Scott and Mr. Clay are unavailable today to sign their affidavits. We understand that Ms. Scott will be available on Monday, April 9 and Mr. Clay on April 9 or 10. We will provide those affidavits by hand-delivery as soon as they are signed.

We apologize for any inconvenience this may cause you or your staff.

Sincerely,

Handwritten signature of Krista M. Fogleman

Krista M. Fogleman

Enclosure

9 6 0 4 0 7 1 5 4 9

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Krista M. Fogleman

ADDRESS: Rogovin, Huger & Lenzner
1730 Rhode Island Avenue, N.W.
Suite 1100
Washington, D.C. 20036

TELEPHONE: 202/466-6464

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.

3-27 '84
Date

Cecil D. Clay
Signature
Cecil D. Clay

NAME: Cecil D. Clay

ADDRESS: Sheet Metal Workers' International
Association
1750 New York Avenue, N.W.
Washington, D.C. 20006

HOME PHONE:

BUSINESS PHONE: 202/783-5880

0
5
1
1
0
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7
1
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0

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Krista M. Fogleman

ADDRESS: Rogovin, Huger & Lenzner
1730 Rhode Island Avenue, N.W.
Suite 1100
Washington, D.C. 20036

TELEPHONE: 202/466-6464

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.

3/28/84
Date

Edward J. Carlough
Signature

Edward J. Carlough
General President
Sheet Metal Workers'
International Association

NAME: Sheet Metal Worker's International Association
and David Turner and Cecil D. Clay in their
official capacities

ADDRESS: 1750 New York Avenue, N.W.
Washington, D.C. 20006

HOME PHONE: None

BUSINESS PHONE: 202/783-5880

STATEMENT OF DESIGNATION OF COUNSEL

NAME OF COUNSEL: Krista M. Fogleman

ADDRESS: Rogovin, Huges & Lenzner
1730 Rhode Island Avenue, N.W.
Suite 1100
Washington, D.C. 20036

TELEPHONE: 202/466-6464

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.

March 30, 1984
Date

David S. Turner
Signature
David Turner

NAME: David Turner
ADDRESS: 5161 South 1870 East
Salt Lake City, Utah 84117

HOME PHONE: 801/277-1365

BUSINESS PHONE: None

000# 3053

LAW OFFICES

ROGOVIN, HUGO & LENZNER

A PROFESSIONAL CORPORATION

1730 RHODE ISLAND AVENUE, N. W.
WASHINGTON, D. C. 20036

MITCHELL ROGOVIN
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DAVID R. BOYD
RONNA LEE BECK
EUGENE J. COMEY
VICKI C. JACKSON
KRISTA M. FOGLEMAN
SUSAN L. CARNEY
SAUL B. GOODMAN
RANDALL LEE SPECK
MICHAEL D. LOWE
GARY K. HARRIS
LISA R. MARK
JEFFREY N. BLATTNER
JAMES J. BEANDER

JAMES F. NEAL
OF COUNSEL

TELEPHONE
(202) 466-8464

TELECOPIER
(202) 466-8420

April 6, 1984

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1637

Dear Mr. Gross:

We are counsel in the above-referenced matter to respondents David Turner and Cecil Clay in their official and individual capacities and to the Sheet Metal Workers' International Association Political Action League ("SMWIA PAL"). Statements of designation of counsel are enclosed. We file this response on their behalf pursuant to 11 C.F.R. 111.6(a).

Based on the facts set out below, we believe that no action should be taken in this matter. As explained by the affidavits of Ellen Scott and Cecil Clay, the misdesignation of the contribution for the general election was an inadvertent clerical error now corrected by amended FEC reports.

Allegations of the Complaint

Mr. Antosh's complaint alleges that SMWIA-PAL knowingly made contributions for the 1982 federal primary election in connection with Senator Edward M. Kennedy's candidacy for U.S. Senator in the amount of \$10,000.00. He further alleges that a running total of the amount contributed to Senator Kennedy by PAL would have put PAL on notice that its contributions to Senator Kennedy's campaign exceeded the \$5,000.00 per election limitation set out in 2 U.S.C. § 441a(a)(2)(A). See paragraphs 34 through 36 of the Complaint.

SMWIA-PAL Made Contributions to Kennedy's
Campaign of \$5,000 for the Primary Election
and \$5,000 for the General Election

As set forth in the Affidavit of Ellen Scott, a copy of which is attached hereto as Exhibit A, PAL made contributions to Senator Kennedy in connection with his 1982 Senatorial Campaign as follows:

April 23, 1981 SMWIA-PAL check No. 1162 in the amount of \$1,000.00 with check memorandum stating "Senatorial Campaign"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy"

May 19, 1981 SMWIA-PAL check No. 1165 in the amount of \$4,000.00 with check memorandum stating "Senatorial Campaign-Primary"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy"

June 29, 1982 SMWIA-PAL check No. 142 in the amount of \$5,000.00 with check memorandum stating "Senatorial Massachusetts Primary"; reverse of check shows deposit to "Committee to Re-Elect Senator Kennedy - General Election Account"

These checks, totaling \$10,000.00, were the only contributions made to Senator Kennedy or his campaign committee for his entire 1982 Senatorial campaign, including the primary and the general elections. The check memorandum on check number 142 dated June 29, 1982 inadvertently and mistakenly stated that the check was for the primary election. In fact, the check was intended for the general election and we understand that that check was deposited by Senator Kennedy's campaign committee in its General Election account.

As this mistake has now been brought to SMWIA-PAL's attention, amended FEC reports have been prepared and are being filed today with the Commission. See Affidavit of Cecil Clay, attached as Exhibit B. A copy of the corrected report is attached to this response as Exhibit C.

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION
POLITICAL ACTION LEAGUE
1750 NEW YORK AVENUE, N. W.
WASHINGTON, D. C. 20006

1162

April 23 19 81 $\frac{15.52}{540}$

PAY TO THE ORDER OF

COMMITTEE TO RE-ELECT KENNEDY

\$ 1,000.00

ONE THOUSAND DOLLARS

00/100

DOLLARS



NATIONAL SAVINGS TRUST COMPANY
WASHINGTON, D.C.

SENATORIAL CAMPAIGN

Edward J. Carbaugh
David S. Turner

⑈001162⑈ ⑆054000522⑆ 057⑈ 1026954⑈

⑈0000100000⑈

SHEET METAL WORKERS'
INTERNATIONAL ASSOCIATION
POLITICAL ACTION LEAGUE
1750 NEW YORK AVENUE, N. W.
WASHINGTON, D. C. 20006

1165

May 19, 1981 $\frac{15.52}{540}$

PAY TO THE ORDER OF COMMITTEE TO RE-ELECT TED KENNEDY

\$ 4,000.00

FOUR THOUSAND DOLLARS-----DOLLARS

NS NATIONAL SAVINGS & TRUST COMPANY
ZIT WASHINGTON, D.C.

FOR SENATORIAL CAMPAIGN- PRIMARY

Edward J. Carbaugh
David S. Turner

⑈001165⑈ • ⑈054000522⑈ 057⑈ ⑈026954⑈ ⑈0000400000⑈

Sheet Metal Workers Int'l. Assoc.
Political Action League Fund
1750 New York Ave.
Washington, D. C. 20006

142

15 55/540

June 29, 19 82

PAY TO THE KENNEDY FOR SENATE COMMITTEE:
ORDER OF

\$ 5,000.00

FIVE THOUSAND DOLLARS-----00/100

DOLLARS

Fund for
Government Investors, Inc.
A SECURITIES MARKET FUND
AMERICAN SECURITY BANK, N.A.
WASHINGTON, D.C.

NOT VALID FOR LESS THAN 500.00

Cecil D. Clay

FOR Senatorial Massachusetts Primary

⑆95166060002⑆

⑆05400055⑆

90001736⑆

⑆0000500000⑆

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)
Sheet Metal Workers' International Association
Political Action League (PAL)

Address (Number and Street)
1750 New York Avenue, N.W.

City, State and ZIP Code
Washington, D.C. 20006

Check if address is different than previously reported.

2. FEC Identification Number
C00007542

3. This committee qualified as a multicandidate committee during this Reporting Period on 1/1/82 (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Monthly Report for _____
 Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

SUMMARY		Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>4/1/82</u> Through <u>6/30/82</u>			
6. (a) Cash on Hand January 1, 19 _____			\$ 300,724.14
(b) Cash on Hand at Beginning of Reporting Period	\$ 342,207.68		
(c) Total Receipts (from Line 18)	\$ 111,775.28	\$ 207,969.27	
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 453,982.96	\$ 508,693.41	
7. Total Disbursements (from Line 28)	\$ 177,539.49	\$ 232,249.94	
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) ...	\$ 276,443.47	\$ 276,443.47	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ NONE		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ NONE		

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

CECIL D. CLAY
Type or Print Name of Treasurer

Cecil D. Clay
SIGNATURE OF TREASURER

4/15/84
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

--	--	--	--	--	--	--	--	--	--

FEC FORM 3X (3/80)

CORRECTED REPORT

**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

Name of Committee (in Full) <u>Sheet Metal Workers' International Association Political Action League (PAL)</u>	Report Covering the Period:	
	From <u>4/1/82</u>	To: <u>6/30/82</u>
	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	NONE	400.00
(Memo Entry Unitemized \$ <u>101,152.67</u>)		
(b) Political Party Committees	NONE	NONE
(c) Other Political Committees	NONE	NONE
(d) TOTAL CONTRIBUTIONS (other than loans) (Add 11a, 11b and 11c)	101,152.67	187,201.37
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	NONE	NONE
13. ALL LOANS RECEIVED	NONE	NONE
14. LOAN REPAYMENTS RECEIVED	NONE	NONE
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	NONE	NONE
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	NONE	NONE
17. OTHER RECEIPTS (Dividends, Interest, etc.)	10,622.61	20,367.90
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17):	111,775.28	207,969.27
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	4,000.12	8,000.25
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	28,800.00	28,800.00
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	144,249.77	194,749.77
22. INDEPENDENT EXPENDITURES (Use Schedule E)	NONE	NONE
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §41a(d)) (Use Schedule F)	NONE	NONE
24. LOAN REPAYMENTS MADE	NONE	NONE
25. LOANS MADE	NONE	NONE
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	NONE	NONE
(b) Political Party Committees	NONE	NONE
(c) Other Political Committees	NONE	NONE
(d) TOTAL CONTRIBUTION REFUNDS (Add 26a, 26b and 26c)	NONE	NONE
27. OTHER DISBURSEMENTS	489.60	699.92
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	177,539.49	232,249.94
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	111,775.28	207,969.27
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	NONE	NONE
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	NONE	NONE
32. TOTAL OPERATING EXPENDITURES from Line 19	NONE	NONE
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	NONE	NONE

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
 Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Eloise's Catering 8003 Boulder Lane Silver Spring, Maryland 20910	Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	135.00 In Kind
B. Full Name, Mailing Address and ZIP Code Edward Kennedy, Massachusetts sent to: Jim Golden Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			5,135.00
TOTAL This Period (last page this line number only)			144,249.77

STATEMENT OF ORGANIZATION

(see reverse side for instructions)

1. (a) Name of Committee (in Full) - Check if name or address is changed. Sheet Metal Workers' International Association Political Action League (PAL)	2. Date June 17, 1982
(a) Address (Number and Street) 1750 New York Avenue, N.W.	3. FEC Identification Number C 00007542
(c) City, State and ZIP Code Washington, D.C. 20006	4. Is this an amended Statement? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

5. TYPE OF COMMITTEE (check one):

(a) This committee is a principal campaign committee. (Complete the candidate information below.)

(b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate	Candidate Party Affiliation	Office Sought	State/District
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(c) This committee supports/opposes only one candidate _____ and is NOT an authorized committee.
(name of candidate)

(d) This committee is a _____ committee of the _____ Party.
(National, State or subordinate) (Democratic, Republican, etc.)

(e) This committee is a separate segregated fund.

(f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund nor a party committee.

6. Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship

If the registering political committee has identified a "connected organization" above, please indicate type of organization:

Corporation Corporation w/o Capital Stock Labor Organization Membership Organization Trade Association Cooperative

7. Custodian of Records: Identify by name, address (phone number - optional) and position, the person in possession of committee books and records.

Full Name	Mailing Address and ZIP Code	Title or Position
Cecil D. Clay	1750 New York Avenue, N.W. Washington, D.C. 20006	Treasurer

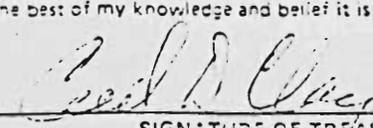
8. Treasurer: List the name and address (phone number - optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address and ZIP Code	Title or Position
Cecil D. Clay	1750 New York Avenue, Washington, D.C. 20006	Treasurer

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
National Bank of Washington	619 14th Street, N.W. Washington, D.C. 20005

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

<u>Cecil D. Clay</u> Type or Print Name of Treasurer	 SIGNATURE OF TREASURER	<u>7/10/82</u> Date
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NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g

For further information contact: Federal Election Commission, Toll Free 800-424-9530, Local 202-523-4068

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

1. Name of Committee (in Full)
Sheet Metal Workers' International Association
Political Action League (PAL)

Address (Number and Street)
1750 New York Avenue, N.W.

City, State and ZIP Code
Washington, D.C. 20006

Check if address is different than previously reported.

2. FEC Identification Number
C00007542

3. This committee qualified as a multicandidate committee during this Reporting Period on 1/1/82 (date)

4. TYPE OF REPORT (check appropriate boxes)

(a) April 15 Quarterly Report
 July 15 Quarterly Report
 October 15 Quarterly Report
 January 31 Year End Report
 July 31 Mid Year Report (Non-election Year Only)
 Monthly Report for _____
 Twelfth day report preceding _____ (Type of Election) election on _____ in the State of _____
 Thirtieth day report following the General Election on _____ in the State of _____
 Termination Report

(b) Is this Report an Amendment?
 YES NO

SUMMARY

	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>4/1/82</u> Through <u>6/30/82</u>		
6. (a) Cash on Hand January 1, 19_____		\$ 300,724.14
(b) Cash on Hand at Beginning of Reporting Period	\$ 342,207.68	
(c) Total Receipts (from Line 18)	\$ 111,775.28	\$ 207,969.27
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 453,982.96	\$ 508,693.41
7. Total Disbursements (from Line 28)	\$ 177,539.49	\$ 232,249.94
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d))	\$ 276,443.47	\$ 276,443.47
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ NONE	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ NONE	

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

For further information, contact:
 Federal Election Commission
 Toll Free 800-424-6530
 Local 202-523-4066

CECIL D. CLAY
 Type or Print Name of Treasurer

Cecil D. Clay
 SIGNATURE OF TREASURER

7/10/82
 Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

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**DETAILED SUMMARY PAGE
of Receipts and Disbursements
(Page 2, FEC FORM 3X)**

Name of Committee (in Full) **Sheet Metal Workers' International
Association Political Action League (PAL)**

Report Covering the Period:
From **4/1/82** To: **6/30/82**

	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
I. RECEIPTS		
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees	NONE	400.00
(Memo Entry Unitemized \$ <u>101,152.67</u>)		
(b) Political Party Committees	NONE	NONE
(c) Other Political Committees	NONE	NONE
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11a, 11b and 11c)	101,152.67	187,201.37
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	NONE	NONE
13. ALL LOANS RECEIVED	NONE	NONE
14. LOAN REPAYMENTS RECEIVED	NONE	NONE
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	NONE	NONE
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	NONE	NONE
17. OTHER RECEIPTS (Dividends, Interest, etc.)	10,622.61	20,367.90
18. TOTAL RECEIPTS (Add 11d, 12, 13, 14, 15, 16 and 17)	111,775.28	207,969.27
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	4,000.12	8,000.25
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	28,800.00	28,800.00
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	144,249.77	194,749.77
22. INDEPENDENT EXPENDITURES (Use Schedule E)	NONE	NONE
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. §441a(d)) (Use Schedule F)	NONE	NONE
24. LOAN REPAYMENTS MADE	NONE	NONE
25. LOANS MADE	NONE	NONE
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	NONE	NONE
(b) Political Party Committees	NONE	NONE
(c) Other Political Committees	NONE	NONE
(d) TOTAL CONTRIBUTION REFUNDS (add 26a, 26b and 26c)	NONE	NONE
27. OTHER DISBURSEMENTS	489.60	699.92
28. TOTAL DISBURSEMENTS (Add Lines 19, 20, 21, 22, 23, 24, 25, 26d and 27)	177,539.49	232,249.94
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) from Line 11d	111,775.28	207,969.27
30. TOTAL CONTRIBUTION REFUNDS from Line 26d	NONE	NONE
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from Line 29)	NONE	NONE
32. TOTAL OPERATING EXPENDITURES from Line 19	NONE	NONE
33. OFFSETS TO OPERATING EXPENDITURES from Line 15	NONE	NONE

1563
010
05010

SCHEDULE A

ITEMIZED RECEIPTS

Any information copied from such Reports or Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code National Savings & Trust 1750 New York Avenue, N.W. Washington, D.C. 20006	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Interest	4/30/82	1,298.55
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	6/1/82	1,388.80
		Aggregate Year-to-Date—\$	6,286.20

B. Full Name, Mailing Address and ZIP Code Fund for Government Investors 1735 K Street, N.W. Washington, D.C. 20006	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Interest	4/30/82	1,329.24
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	5/31/82	1,506.78
		6/30/82	1,485.05
		Aggregate Year-to-Date—\$	2,002.09

C. Full Name, Mailing Address and ZIP Code National Bank of Washington 619 14th Street, N.W. Washington, D.C. 20005	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Interest	4/14/82	1,177.32
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation	5/14/82	1,218.90
		6/14/82	1,217.97
		Aggregate Year-to-Date—\$	5,989.61

D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
		Aggregate Year-to-Date—\$	

E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
		Aggregate Year-to-Date—\$	

F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
		Aggregate Year-to-Date—\$	

G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt This Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
		Aggregate Year-to-Date—\$	

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only) 10,622.61

15540571554

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code Internal Revenue Service Center-- Philadelphia Pennsylvania 19255	Purpose of Disbursement Tax Payment Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/14/82	Amount of Each Disbursement This Period 4,000.12
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			4,000.12

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)
Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Transfer of Joint Fundraising Proceeds	Date (month, day, year)	Amount of Each Disbursement This Period
AFL-CIO COPE 815 16th Street N.W. Washington, D.C. 20006	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/4/82	28,800.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			28,800.00

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)			
Sheet Metal Workers' International Association Political Action League (PAL)			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Health and Welfare Fund, Local 48 1337 Tilton Road, 2nd Floor Northfield, New Jersey 08225	Reimbursement for funds Deposited in error	4/28/82	489.60
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			489.60

SCHEDULE B

ITEMIZED DISBURSEMENTS

LINE NUMBER 21
 (Use separate schedule(s) for each category of the Detailed Summary Page)

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)			
Sheet Metal Workers' International Association Political Action League (PAL)			
A. Full Name, Mailing Address and ZIP Code Ed Roybal, 25th district California sent to: George Ortega, Bus. Mgr. LU 108, 2783 W. 9th St. Los Angeles California 90006	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	500.00
B. Full Name, Mailing Address and ZIP Code Daniel P. Moynihan, New York sent to: Charles Hertel, Bus Mgr LU 38- 898 Washington St. Box 288 Peekskill, New York 10566	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Mike Barnes, 8th district Maryland Presented by Hand to Candidate	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	3,000.00
D. Full Name, Mailing Address and ZIP Code Dave Evans, 10th district Indiana sent to: Mike Sullivan, Bus Mgr. LU 41 - 542 E. 11th Street, Indianapolis, Indiana 46202	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	4,000.00
E. Full Name, Mailing Address and ZIP Code Roger McDaniel, Wyoming sent to: Richard Peterson, Bus Mgr LU 207 - 413 W 20th , Cheyenne Wyoming 82001	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	2,500.00
F. Full Name, Mailing Address and ZIP Code Floyd Fithian, Indiana Presented by hand to Candidate	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	5,000.00
G. Full Name, Mailing Address and ZIP Code Charles Bennett, 3rd district Florida sent to: John Carter, Bus Mgr. LU 435 - 1435 Naldo Avenue, Jacksonville, Florida 32207	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	1,000.00
H. Full Name, Mailing Address and ZIP Code Paul Sarbanes, Maryland Presented by hand to Candidate	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	5,000.00
I. Full Name, Mailing Address and ZIP Code Democratic Congressional Campaign Committee, Suite 319, 400 North Capitol St., Washington, D.C. 20001	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Political Committee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	4/2/82	7,500.00
SUBTOTAL of Disbursements This Page (optional)			29,500.00
TOTAL This Period (last page this line number only)			

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Name of Committee (in Full)
Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code Roy Dyson, 1st district Maryland Presented by hand to Candidate	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 4/7/82 6/14/82	Amount of Each Disbursement This Period 2,500.00 750.00
B. Full Name, Mailing Address and ZIP Code Daniel P. Moynihan, Newyork sent to: Art Moore, Bus Mgr. LU 28 1790 Broadway, 20th Floor New York, New York 10019	Purpose of Disbursement <u>Senatorial Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 4/8/82	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code Buzz Andreziewski, 12th district Pennsylvania: Sent to: Harry Crytzer Bus Mgr LU 12 - 1200 Gulf Lab Road Pittsburgh, Pennsylvania 15238	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 4/28/82	Amount of Each Disbursement This Period 2,500.00
D. Full Name, Mailing Address and ZIP Code Jerry Hammond, 6th District Kentucky sent to: Earl Kelly, Bus Mgr LU 110 2902 S. 7th Street, Road, Louisville, Kentucky 40216	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 4/28/82	Amount of Each Disbursement This Period 1,000.00
E. Full Name, Mailing Address and ZIP Code Mervyn Dymally, 31st district Calif. Presented by hand to Candidate	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 4/30/82	Amount of Each Disbursement This Period 500.00
F. Full Name, Mailing Address and ZIP Code Mike Beckes, 19th district Ohio sent to: Fred Kirschner, Bus Mgr LU 5, 60 W. Indianola Avenue Youngstown, Ohio 44501	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/3/82	Amount of Each Disbursement This Period 2,500.00
G. Full Name, Mailing Address and ZIP Code Joe Moakley, 9th district Massachusetts sent to: Jim Golden, Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 500.00
H. Full Name, Mailing Address and ZIP Code Brian Donnelly, 11th district Mass. sent to: Jim Golden, Bus Mgr. LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 500.00
I. Full Name, Mailing Address and ZIP Code James Shannon, 5th district Mass. sent to: Jim Golden, Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement <u>Congressional Campaign</u> Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 500.00
SUSTOTAL of Disbursements This Page (optional)			11,750.00
TOTAL This Period (last page this line number only)			

SCHEDULE B

ITEMIZED DISBURSEMENTS

LINE NUMBER 21
 (Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)			
Sheet Metal Workers' International Association Political Action League (PAL)			
A. Full Name, Mailing Address and ZIP Code Ronald Coleman, 16th district Texas sent to: Gary Briggs, Bus Mgr LU 49 4400 Silver Avenue, S.E. Albuquerque, New Mexico 87108	Purpose of Disbursement Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/18/82	Amount of Each Disbursement This Period 500.00
B. Full Name, Mailing Address and ZIP Code Gene Wenstrom, 7th district Minn. sent to: John O'Connor, Bus Mgr. LU 76 - 1681 E. Cope Avenue, St. Paul Minnesota 55109	Purpose of Disbursement Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/11/82	Amount of Each Disbursement This Period 500.00
C. Full Name, Mailing Address and ZIP Code Lowell Weicker, Connecticut sent to: Clayton Buckley, Bus Mgr LU 39 - 1 Tracey Street Norwalk, Connecticut 06850	Purpose of Disbursement Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 4,000.00
D. Full Name, Mailing Address and ZIP Code Douglas Stevens, 18th district Ill. sent to: Wayne Juvinal, Bus Mgr LU 1 - 4220 Boulevard Avenue Peoria Heights, Illinois 61614	Purpose of Disbursement Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 1,000.00
E. Full Name, Mailing Address and ZIP Code Joe Salem, 27th District Texas sent to: Bob Stringer, Bus Mgr LU 67 8000 Vantage Street, Suite A San Antonio, Texas 78230	Purpose of Disbursement Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 1,000.00
F. Full Name, Mailing Address and ZIP Code Dan McGrath, 15th district Illinois sent to: Bill Lockhart, Bus Rep LU 1 4220 Boulevard Avenue, Suite A Peoria Heights, Illinois 61614	Purpose of Disbursement Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/17/82	Amount of Each Disbursement This Period 1,000.00
G. Full Name, Mailing Address and ZIP Code Phil Burton, 6th district California Presented by hand to Candidate	Purpose of Disbursement Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 5/20/82	Amount of Each Disbursement This Period 5,000.00
H. Full Name, Mailing Address and ZIP Code National Democratic Committee 1625 Massachusetts Avnue N.W. Washington, D.C. 20036	Purpose of Disbursement Political Committee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/2/82	Amount of Each Disbursement This Period 15,000.00
I. Full Name, Mailing Address and ZIP Code Jack Brocks, 9th district Texas sent to: Pete Bean, Bus Mgr LU 196 Route 9, Box 274, Orange Texas 77630	Purpose of Disbursement Primary 1982 debt Retirement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/2/82	Amount of Each Disbursement This Period 4,000.00
SUBTOTAL of Disbursements This Page (optional)			32,000.00
TOTAL This Period (last page this line number only)			

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Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
George Grayson, 1st district Virginia Presented by hand to Candidate	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	1,000.00
B. Full Name, Mailing Address and ZIP Code Ira Leshner, 10th Virginia Presented by hand to Candidate	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Frances Farley, 2nd district Utah sent to: Hershel Thompson, Bus Mgr LU 312 - 2261 S. Redwood Road, Suite D Salt Lake City, Utah 84119	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	1,000.00
D. Full Name, Mailing Address and ZIP Code Tom Dashle, 1st district South Dakota sent to: Dennis Murphy, Bus Rep, LU 14 - 115 1st St., S.E. Minot North Dakota 58701	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	500.00
E. Full Name, Mailing Address and ZIP Code Larry LaRocco, 1st district Idaho sent to: Leon Stephenson, Bus Mgr LU 213 - 2099 Century Way, Boise Idaho 83709	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	500.00
F. Full Name, Mailing Address and ZIP Code Tom Lantos, 11th district California sent to: Bob Mammini, Bus Mgr LU 104 1939 Market Street, San Francisco California 94103	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	1,000.00
G. Full Name, Mailing Address and ZIP Code John Bryant, 5th district Texas sent to: Wm Shank, Bus Mgr LU 68 PO Box 983 Euless, Texas 76039	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	750.00
H. Full Name, Mailing Address and ZIP Code Harriet Woods, Missouri sent to: Jim Lamb Bus Rep LU 36 301 S. Ewing Avenue St Louis, Missouri 63103	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/3/82	750.00
I. Full Name, Mailing Address and ZIP Code Edmund Brown, California sent to: George Ortega Bus Mgr LU 108 2783 W. 9th St. Los Angeles California 90006	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	5/11/82	5,000.00
SUBTOTAL of Disbursements This Page (optional)			11,500.00
TOTAL This Period (last page this line number only)			

SCHEDULE B

ITEMIZED DISBURSEMENTS

LINE NUMBER 21
 (Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)			
Sheet Metal Workers' International Association Political Action League (PAL)			
A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Don Reigle, Michigan - sent to: Jack Mitchell, Bus Mgr LU 94 220 W. Washington St, Suite 120 Marquette, Michigan 49855	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/14/82	1,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jeff Bingaman, New Mexico sent to: Gary Briggs, Bus Mgr LU 49 4400 Silver Avenue, S.E. Albuquerque, New Mexico 87108	Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/14/82	5,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jan Hartke, 1st district New Mexico sent to: Gary Briggs, Bus Mgr LU 49 4400 Silver Avenue S.E. Albuquerque, New Mexico 87108	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/14/82	1,000.00
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Cranston Presidential Advisory Comm. Ronald Peterson, Treas. Tuttle & Taylor, 609 S. Grand Ave. Los Angeles California 90017	Testing the Waters Comm. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify):	6/17/82	5,000.00
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Marty Martinez, 30th district Calif sent to: George Ortega, Bus Mgr LU 108 - 2783 W. 9th Street, Los Angeles, California 90006	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/28/82	1,000.00
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Julius Michaelson, Rhode Island sent to: Jim Golden Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/28/82	5,000.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Roger Miller, 4th district Indiana sent to: Richard Peck, PO Box 9158 Ft Wayne, Indiana 46899	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/28/82	1,000.00
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Jim Wright, 12th district Texas sent to: Wm Shank Bus Mgr LU 68 PO Box 983, Euless, Texas 76039	Congressional Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/28/82	4,000.00
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Bill Boner, 5th district Tennessee sent to: Charles Travis, Bus Mgr LU 177 - 631 N. 1st Street Nashville, Tennessee 37207	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/28/82	1,000.00
SUBTOTAL of Disbursements This Page (optional)			24,000.00
TOTAL This Period (last page this line number only)			

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Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gerald Sikorski, 6th district Minn. Sent to: John O'Connor, Bus Mgr LU 76 - 1681 E. Cope Avenue St. Paul Minnesota 55109	Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
B. Full Name, Mailing Address and ZIP Code Steny Hoyer, 5th district Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Purpose of Disbursement Congressional Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	1,000.00
C. Full Name, Mailing Address and ZIP Code Ted Wilson, Utah, sent to: Hershel Thompson, Bus Mgr LU 312, 2261 S. Redwood Road, Suite D Salt Lake City, Utah 84119	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
D. Full Name, Mailing Address and ZIP Code George Mitchell, Maine sent to: Dick Grandmaison, LU 545 PO Box 1742, Lewiston Maine 94240	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
E. Full Name, Mailing Address and ZIP Code Paul Sarbanes, Maryland sent to: Richard Drake, Bus Mgr LU 100 - 2705 Bladensburg Road, N.E. Washington, D.C. 20018	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
F. Full Name, Mailing Address and ZIP Code Robert Byrd, West Virginia sent to: Fred Kirschner, bus Mgr LU 5, 60 W. Indianola Avenue Youngstown, Ohio 44507	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	5,000.00
G. Full Name, Mailing Address and ZIP Code Daniel P. Moynihan, New York sent to: Charles Hertel, Bus Mgr LU 38 - 898 Washington St. Box 288 Peekskill, New York 10566	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	3,500.00
H. Full Name, Mailing Address and ZIP Code Floyd Fithian, Indiana sent to; Richard Peck, Bus Mgr LU 156 PO Box 9158, Fort Wayne, Indiana 46899	Purpose of Disbursement Senatorial Campaign Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	4,833.00
I. Full Name, Mailing Address and ZIP Code Kogod Liquors Inc. 441 New Jersey Avenue ,N.W. Washington, D.C. 20002	Purpose of Disbursement Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	6/29/82	Amount of Each Disbursement This Period In Kind 31.77
SUBTOTAL of Disbursements This Page (optional)			30,364.77
TOTAL This Period (last page this line number only)			

SCHEDULE B

ITEMIZED DISBURSEMENTS

LINE NUMBER 21
 (Use separate schedule(s) for each category of the Detailed Summary Page)

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Name of Committee (in Full)

Sheet Metal Workers' International Association Political Action League (PAL)

A. Full Name, Mailing Address and ZIP Code Eloise's Catering 8003 Boulder Lane Silver Spring, Maryland 20910	Purpose of Disbursement Luncheon for Floyd Fithian Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/29/82	Amount of Each Disbursement This Period 135.00 In Kind
B. Full Name, Mailing Address and ZIP Code Edward Kennedy, Massachusetts sent to: Jim Golden Bus Mgr LU 17 1157 Adams Street, Dorchester Lower Mills, Massachusetts 02124	Purpose of Disbursement Senatorial Campaign Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 6/29/82	Amount of Each Disbursement This Period 5,000.00
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			5,135.00
TOTAL This Period (last page this line number only)			144,249.77

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LAW OFFICES

ROGOVIN, HUGÉ & LENZNER
A PROFESSIONAL CORPORATION

1730 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

Kenneth A. Gross
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Room 710
Washington, D.C. 20463

G-4 2051

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

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	Frederick O'Neal Albert Shanker Edward T. Hanley J. C. Turner Alvin E. Heaps John DeConcini Joyce D. Miller James E. Hatfield Vincent R. Sombrotto Marvin J. Boede Owen Bieber

March 26, 1984

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

Re: FEC MUR 1637

Dear Mr. Steele:

Pursuant to 11 CFR 111.23, the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, the AFL-CIO Committee on Political Education Political Contributions Committee and I hereby designate Margaret E. McCormick as our counsel in the above-referenced matter.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Ms. McCormick's address is: AFL-CIO Legal Department, 815 16th Street, N.W., Washington, D.C. 20006. Her telephone numbers are: (office) 202/637-5397; (home) 301/656-9612.

Sincerely,


Thomas R. Donahue
Secretary-Treasurer

1501071576

Kennedy★

140 Federal Street • Boston, Massachusetts 02110 • 617-482-1982

600# 2020
all: 41

MUR 1637
Hagan
March 30, 1984

Ms. Fran Hagan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Dear Ms. Hagan:

This letter is to formally notify the Federal Election Commission that Mr. William Oldaker, Esq. of the firm Epstein, Becker, Borsody, and Green, P.C. is hereby designated as the counsel for Mr. John Zamparelli, Mr. Robert Fitzgerald, and the Committee to Re-Elect Senator Kennedy in complaint MUR # 1637 currently before the Commission. Mr. Oldaker can be reached at 1140 19th Street, N.W., Washington, D.C. 20036 or at (202) 861-0900.

Mr. Oldaker is hereby authorized to receive any notifications and other communications from the Commission regarding this complaint, and to act on the Committee's, Mr. Zamparelli's, and Mr. Fitzgerald's behalf before the Commission in this matter.

Your assistance is greatly appreciated.

Sincerely,



Edward T. Martin
Executive Assistant to
Senator Edward M. Kennedy

c.c. Mr. Danny Lee McDonald, F.E.C.
Mr. John Zamparelli
Mr. Robert Fitzgerald
Mr. William Oldaker

Kennedy★

CREDIT UNION

34 APR 4 AM

APR 2: 24

Ms. Fran Hagan
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



LEGAL DEPARTMENT

MAX ZIMNY
General Counsel

REC'D
Gcc# 2000
24 APR 2 P1:54

MUR 1637
Hagan

March 27, 1984

Charles N. Steele, General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 1637
Attention: Ms. Fran Hagan

Dear Sir:

Enclosed is the response of Lawrence Dock, Acting Treasurer of I.L.G.W.U. Campaign Committee, and of the I.L.G.W.U. Campaign Committee to the complaint in the captioned case.

Also enclosed is a designation of the undersigned as counsel for Mr. Dock and the I.L.G.W.U. Campaign Committee.

Sincerely yours,

Max Zimny
Max Zimny
General Counsel

Certified Mail
Return Receipt Requested

encls.



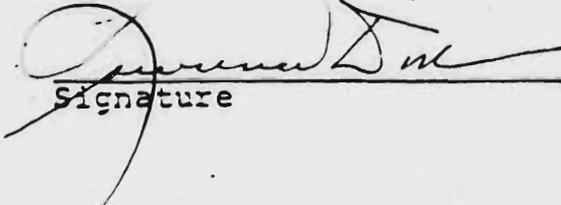
NAME OF COUNSEL: MAX ZIMNY

ADDRESS: 1710 Broadway
New York, N.Y. 10019

TELEPHONE: (212) 265-7000

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.

March 27, 1984
Date


Signature

NAME: LAWRENCE DOCK, Acting Treasurer,
I.L.G.W.U. Campaign Committee
ADDRESS: 1710 Broadway
New York, N.Y. 10019

HOME-PHONE: (212) 225-7244

BUSINESS PHONE: (212) 265-7000

STATE OF NEW YORK)
)
COUNTY OF NEW YORK) SS.:

Lawrence Dock, being duly sworn, deposes and says:

1. I am Acting Treasurer of the International Ladies' Garment Workers' Union Campaign Committee ("I.L.G.W.U. Campaign Committee"). I am fully familiar with all of the relevant facts and circumstances surrounding the matters complained of with respect to the I.L.G.W.U. Campaign Committee in MUR 1637. The following constitutes my response and the response of I.L.G.W.U. Campaign Committee to the complaint.

2. On August 24, 1981, I.L.G.W.U. Campaign Committee made a single \$5000 contribution to the Committee to Reelect Senator Kennedy to aid Senator Edward Kennedy's primary election campaign. No further contribution to the primary election was ever made or intended.

3. On August 27, 1982, Ms. Evelyn Dubrow, Executive Secretary of the ILGWU Campaign Committee, whose principal office is in Washington, D.C., gave phone instructions to a secretary in New York named Carol Friedman to send a \$2500 contribution from the I.L.G.W.U. Campaign Committee to Senator Kennedy's general election. This was one of a number

of different Campaign Committee contributions that Ms. Friedman was then instructed to make. She failed to recall the instruction when she transmitted the \$2500 check to the Kennedy Committee three days later on August 31, 1982. Consequently, though the letter of transmittal (a copy of which is attached together with a copy of the check, as "Exhibit A"), does not indicate whether the \$2500 is for the primary or general election, Ms. Friedman, mistakenly entered the word "Primary" on the check stub and informed the auditor who prepared the FEC Report for the Campaign Committee that the August 27th contribution to the Kennedy Committee was for the primary election. The August report was prepared and filed accordingly.

3. Ms. Friedman had second thoughts about the accuracy of her notation, and about two weeks later she called the Committee to Reelect Senator Kennedy and inquired as to how the August 27th contribution had been received by the Committee. She was informed that the contribution was received as a contribution to the general election, not the primary election. Thereupon, Ms. Friedman recalled the original instruction, erased the word "Primary" on the check stub, and wrote the word "General" over it. She failed, however, to inform the auditor of the correction, and the August 1982 FEC report filed by the I.L.G.W.U. Campaign Committee remained in error. Attached as "Exhibit B" is a copy of the August 27, 1982 check stub. Also attached as "Exhibit C" and "Exhibit C1"

95040:71594

LIST SOURCE OF DEPOSITS & OTHER COMPUTATIONS ON BACK OF PRECEDING STUBS	TO	Aug 27 19 12		
		Contribution		DEPOSITS
			TOTAL	
			AMOUNT THIS CHECK	2,500 -
		BALANCE		
		1100 E. ...		
		5285		
LIST SOURCE OF DEPOSITS & OTHER COMPUTATIONS ON BACK OF PRECEDING STUBS	TO	Aug 27 19 12		
		Contribution		DEPOSITS
			TOTAL	
			AMOUNT THIS CHECK	500 -
		BALANCE		
		140 Federal St		
		5286		
LIST SOURCE OF DEPOSITS & OTHER COMPUTATIONS ON BACK OF PRECEDING STUBS	TO	Aug 27 19 12		
		Contribution		DEPOSITS
			TOTAL	
			AMOUNT THIS CHECK	2,500 -
		BALANCE FORWARD		

ILGWU CAMPAIGN COMMITTEE

NATIONAL COMMITTEE OFFICE • 1710 BROADWAY • NEW YORK, N.Y. 10019

PHONE COLUMBUS 5-7012

SOL C CHAIKIN
CHAIRMAN
JAY MAZUR
TREASURER
WILBUR DANIELS
IRWIN SOLOMON
VICE CHAIRMAN
GUS TYLER
DIRECTOR
EVELYN DUBROW
EXECUTIVE SECRETARY
DAVID I WELLS
ASSISTANT DIRECTOR

March 27, 1984

Ms. Pamela Brown
Senior Reports Analyst
Federal Election Commission
Washington, D.C. 20463

Identification No. C00004861

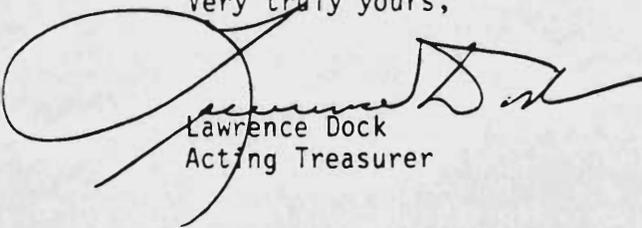
Dear Ms. Brown:

Enclosed is an amendment to our September 1982 report for the month of August 1982.

Page 30, Line 21 A, Committee to Re-elect Senator Kennedy
\$2500.00 8/27/82 was for General and not Primary as originally shown.

If there are any questions in connection with this matter, feel free to contact me at (212) 265-7000.

Very truly yours,



Lawrence Dock
Acting Treasurer

LD/js
enc.

"EXHIBIT C"

EXECUTIVE COMMITTEE
RONALD ALMAN
NICHOLAS S BONANNINO
GLENWOOD CLAY
CLIFFORD DEPIN
JOSEPH FISHER
SALVATORE GIARDINA
SOL GOLDBERG
MANUEL GONZALEZ
GERALD GROSSMAN
SOL HOFFMAN
MATTIE JACKSON
DOUGLAS LEVIN
FRANK LONGO
LOU MONTENEGRO
PETER NADASH
SAMUEL NEMAZER
EDWARD SCHNEIDER
MATTHEW SCHOENWALD
CORNELIUS WALL

360405

RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

(Summary Page)

<p>ALIGN AREA |</p> <p>1 Name of Committee (In Full) INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE</p> <p>Address (Number and Street) 1710 BROADWAY</p> <p>City, State and ZIP Code NEW YORK, NEW YORK 10019</p> <p><input type="checkbox"/> Check here if address is different than previously reported.</p> <p>2. FEC Identification Number C 0000 4861</p> <p>3 <input type="checkbox"/> This committee qualified as a multicandidate committee during this Reporting Period on _____ Date _____</p>	<p>4 TYPE OF REPORT (Check appropriate boxes)</p> <p>(a) <input type="checkbox"/> April 15 Quarterly Report <input type="checkbox"/> October 15 Quarterly Report</p> <p><input type="checkbox"/> July 15 Quarterly Report <input type="checkbox"/> January 31 Year End Report</p> <p><input type="checkbox"/> July 31 Mid Year Report (Non Election Year Only)</p> <p><input checked="" type="checkbox"/> Monthly Report for September, 1982</p> <p><input type="checkbox"/> Twelfth day report preceding _____ (Type of Election) _____ election on _____ in the State of _____</p> <p><input type="checkbox"/> Thirtieth day report following the General Election on _____ in the State of _____</p> <p><input type="checkbox"/> Termination Report</p> <p>(b) Is this Report an Amendment? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p>
---	--

0 5 0 4 0 3 1 5 0 3

SUMMARY	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period August 1, 1982 through August 31, 1982		
6 (a) Cash on hand January 1, 19 82		\$ 1,021.041
(b) Cash on Hand at Beginning of Reporting Period	\$ 1,065.260.17	
(c) Total Receipts (from Line 18)	\$ 77,052.78	\$ 386,979.09
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 1,142.312.95	\$ 1,048.020.50
7 Total Disbursements (from Line 28)	\$ 236,097.75	\$ 501,805.30
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 906,215.20	\$ 906,215.20
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	

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

LAWRENCE DOCK, ACTING TREASURER
Type or Print Name of Treasurer


SIGNATURE OF TREASURER

3/27/84
Date

For further information contact:
Federal Election Commission
Toll Free 800 424 9680
Local 202 523 4066

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. 4437c.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used

	FEC FORM 3x (3-80)
--	--------------------

"EXHIBIT C1"

DETAILED SUMMARY PAGE

Receipts and Disbursements
(Page 2, FEC FORM 3X)

Name of Committee (in Full)	Period Covering the Period		
	From	To	
International Ladies Garment Workers Union Campaign Committee	8/1/82	8/31/82	
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date	
I. RECEIPTS			
11 CONTRIBUTIONS (other than loans) FROM:			
(a) Individuals/Persons Other Than Political Committees	69,633.78	318,067.30	11(a)
Memo Entry Unitemized \$69,633.78			
(b) Political Party Committees	-0-	-0-	11(b)
(c) Other Political Committees	-0-	-0-	11(c)
(d) TOTAL CONTRIBUTIONS (other than loans) (add 11(a), 11(b) and 11(c))	69,633.78	318,067.30	11(d)
12 TRANSFERS FROM AFFILIATED OTHER PARTY COMMITTEES	-0-	-0-	12
13 ALL LOANS RECEIVED	-0-	-0-	13
14 LOAN REPAYMENTS RECEIVED	-0-	-0-	14
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	-0-	-0-	15
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	-0-	1,000.00	16
17 OTHER RECEIPTS (Dividends, Interest, etc.)	7,419.00	67,911.79	17
18 TOTAL RECEIPTS (Add 11(d), 12, 13, 14, 15, 16 and 17)	77,052.78	386,979.09	18
II. DISBURSEMENTS			
19 OPERATING EXPENDITURES	1,736.75	77,405.27	19
20 TRANSFERS TO AFFILIATED OTHER PARTY COMMITTEES	-0-	-0-	20
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	227,545.00	366,019.00	21
22 INDEPENDENT EXPENDITURES (Use Schedule E)	-0-	-0-	22
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. § 441 a(d)) (Use Schedule F)	-0-	-0-	23
24 LOAN REPAYMENTS MADE	-0-	-0-	24
25 LOANS MADE	-0-	-0-	25
26 REFUNDS OF CONTRIBUTIONS TO			
(a) Individuals/Persons Other Than Political Committees	86.00	354.03	26(a)
(b) Political Party Committees	-0-	-0-	26(b)
(c) Other Political Committees	-0-	478.00	26(c)
(d) TOTAL CONTRIBUTION REFUNDS (Add 26(a), 26(b) and 26(c))	86.00	832.03	26(d)
27 OTHER DISBURSEMENTS	6,730.00	57,549.00	27
28 TOTAL DISBURSEMENTS (add lines 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	236,097.75	501,805.30	28
III. NET CONTRIBUTIONS AND NET OPERATING EXPENDITURES			
29 TOTAL CONTRIBUTIONS (other than loans) from Line 11(d)	69,633.78	318,067.30	29
30 TOTAL CONTRIBUTION REFUNDS from Line 26(d)	86.00	832.03	30
31 NET CONTRIBUTIONS (other than loans) (Subtract Line 30 from Line 29)	69,547.78	317,235.27	31
32 TOTAL OPERATING EXPENDITURES from Line 19	1,736.75	77,405.27	32
33 OFFSETS TO OPERATING EXPENDITURES from Line 15	-0-	-0-	33
34 NET OPERATING EXPENDITURES (Subtract Line 33 from Line 32)	1,736.75	77,405.27	34

SCHEDULE B

ITEMIZED DISBURSEMENTS

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

INTERNATIONAL LADIES GARMENT WORKERS UNION CAMPAIGN COMMITTEE

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Contribution	Date (month, day, year)	Amount of Each Disbursement This Period
Committee to Re-Elect Sen. Kennedy 140 Federal Street Boston, Mass. 02110	Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	2,500.00
B. Full Name, Mailing Address and ZIP Code Committee to Elect Barney Frank 1619 Beacon Street Brookline, Mass. 02146	Purpose of Disbursement Contribution Disbursement for: <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	500.00
C. Full Name, Mailing Address and ZIP Code Friends of Congressman John Conyers P.O. Box 2559 Washington, D.C. 20013	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	400.00
D. Full Name, Mailing Address and ZIP Code Torricelli for Congress Committee 431 Main Street Hackensack, New Jersey 07601	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	1,000.00
E. Full Name, Mailing Address and ZIP Code Committee to Elect Dennis M. Hertel 6323 Halsey McLean, Virginia 22101	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	500.00
F. Full Name, Mailing Address and ZIP Code Levin for Congress Committee 400 Traveler's Tower 26555 Evergreen Road Southfield, Michigan 48076	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	300.00
G. Full Name, Mailing Address and ZIP Code Harriet Woods, Democrat for U.S. Senate 6665 Delmar St. Louis, Mo. 63101	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	1,000.00
H. Full Name, Mailing Address and ZIP Code D.C. Friends of Bill Clay 3920 Lindell St. Louis, Mo.	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	750.00
I. Full Name, Mailing Address and ZIP Code Wheat for Congress 3123 Swope Parkway Kansas City, Mo. 64130	Purpose of Disbursement Contribution Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	8/27/82	500.00
SUBTOTAL of Disbursements This Page (optional)			7,450.00
TOTAL This Period (last page this line number only)			

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Carol Friedman, being duly sworn, deposes and says:

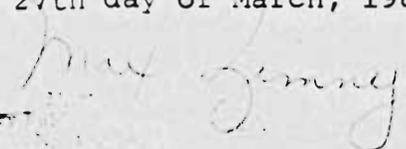
1. I have read the responsive affidavit and attached exhibits of Lawrence Dock, Acting Treasurer of I.L.G.W.U. Campaign Committee, dated March 27, 1984, to the complaint against the I.L.G.W.U. Campaign Committee in MUR 1637. I agree with the contents of the affidavit, especially those portions which mention and involve me.

2. As Mr. Dock stated, on August 27, 1982, I received a phone call from Ms. Evelyn Dubrow, Executive Secretary of the I.L.G.W.U. Campaign Committee, instructing me to draw various checks for various Campaign Committee contributions. I drew the checks later in the day, including a \$2,500 check to the Committee to Reelect Senator Kennedy. In doing so, I forgot that Ms. Dubrow had told me that the contribution for Senator Kennedy was for the general rather than the primary election, and on August 31, 1982, when I sent the check to the Kennedy Committee, I mistakenly entered the word "Primary" on the check stub. I also informed the auditor who prepares the Committee's FEC reports that the contribution was a primary election contribution.

3. About two weeks later, as a result of further thoughts I had as to the accuracy of my check stub notation, I called the Committee to Reelect Senator Kennedy and inquired as to how it had treated the August 27th contribution. I was informed that the Committee had received it as a contribution to Senator Kennedy's general election. Thereupon, I realized that my notation had been an error, and I corrected the notation on the check stub by erasing the word "Primary" and writing the word "General" over it. I forgot, however, to notify the auditor to correct the Campaign Committee's FEC report for August 1982.


Carol Friedman

Sworn to before me
this 27th day of March, 1984.


Notary Public
Commission Expires 12/31/85

06040371500

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21 APR 2 PI

From



INTERNATIONAL LADIES' GARMENT WORKERS
UNION, 1710 BROADWAY, NEW YORK, N.Y. 10019

To

CHARLES N. STEELE, GEN. COUNSEL,
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

1325 K ST. N.W.

RETURN RECEIPT
REQUESTED

CERTIFIED

P 270 669 656

MAIL

FR: Complete items 1, 2, 3 and 4.



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

April 3, 1984

Krista M. Fogleman, Esquire
Rogovin, Huger & Lenzner
1730 Rhode Island Avenue, N.W.
Washington, D.C. 20036

Re: MUR 1637

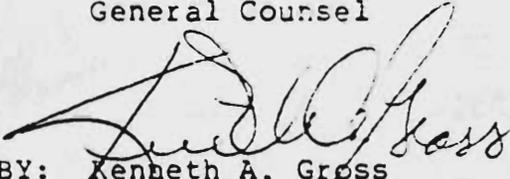
Dear Ms. Fogleman:

This is in response to your letter received March 30, 1984, requesting a one-week extension of time to respond to the complaint against your clients David Turner, Cecil D. Clay and the Sheet Metal Workers International Association Political Action League. Accordingly, the Office of General Counsel is granting the extension and will expect your response on April 6, 1984.

If you have any questions, please contact Frances B. Hagan at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

8504071592

RECEIVED AT THE FEC
600#1988
04 MAR 30 A8:47

LAW OFFICES
ROGOVIN, HUGE & LENZNER
A PROFESSIONAL CORPORATION

1730 RHODE ISLAND AVENUE, N. W.
WASHINGTON, D. C. 20036

MITCHELL ROGOVIN
HARRY HUGE
TERRY F. LENZNER
GEORGE T. FRAMPTON, JR.
JONATHAN D. SCHILLER
DAVID R. BOYD
RONNA LEE BECK
EUGENE J. COMEY
VICKI C. JACKSON
KRISTA M. FOGLEMAN
SUSAN L. CARNEY
SAUL B. GOODMAN
RANDALL LEE SPECK
MICHAEL D. LOWE
GARY K. HARRIS
LISA R. MARX
JEFFREY H. BLATTNER
JAMES E. PFANDER

JAMES F. NEAL
OF COUNSEL

TELEPHONE
(202) 466-6464

TELECOPIER
(202) 466-6420

*MUR 1637
Hogan*

March 27, 1984

Ms. Fran Hogan
Federal Election Commission
Washington, D.C. 20463

RE: Antosh v. Kennedy, et al.
MUR No. 1637

Dear Ms. Hogan:

This is to confirm that we represent David Turner, Cecil D. Clay and the Sheet Metal Workers International Association Political Action League, respondents in the above-referenced matter.

As I discussed with you during our telephone conversation today, we are requesting a one week extension of time to respond to the complaint. The complaint was received on March 15, and the response would have been due on March 30, 1984. If the extension is granted, the response will be due on April 6, 1984.

Thank you for your cooperation in this matter.

Sincerely,


Krista M. Fogleman

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LAW OFFICES

SOVIN, HUGO & LENZNER

A PROFESSIONAL CORPORATION

730 RHODE ISLAND AVENUE, N.W.

WASHINGTON, D. C. 20036

05010315

REC

34 MAR 30 A8: 41

Ms. Fran Hogan
Federal Election Commission
Washington, D.C. 20463



American Federation of Labor and Congress of Industrial Organizations

GAC# 1979



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY TREASURER

John H. Lyons
S. Frank Raftery
Genn E. Watts
Angelo Fosco
Lloyd McBride
Wm. W. Winpisinger
Wayne E. Glenn
John J. Sweeney
Barbara Hutchinson
Gerald W. McEntee
Patrick J. Campbell

Thomas W. Gleason
Murray H. Finley
So. C. Chalkin
Charles H. P.illard
Kenneth T. Blaylock
William H. Wynn
Robert F. Goss
Frank Druza
Richard I. Kirby
William H. Bywater
Kenneth J. Brown

Frederick O. Neal
Albert Shanker
Edward T. Hanley
J. C. Turner
Alvin E. Heaps
John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

MUR 1637
trg

March 26, 1984

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

Re: MUR 1637

Dear Mr. Steele:

This letter constitutes the response of Thomas R. Donahue, the AFL-CIO Committee on Political Education Political Contributions Committee ("COPE-PCC"), Elmer Chatak, and the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund") (hereinafter "respondents") to your letter dated March 12, 1984, stating that the Commission had received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971 ("FECA") as amended.

The complaint, which the Commission has numbered MUR 1637, alleges that the respondent political committees and their treasurers violated §441a(a)(2)(A) of the Act by making contributions to the Committee to Re-Elect Senator Kennedy for the 1982 primary election which in the aggregate totalled \$6,000.

For the reasons stated below, respondents respectfully request that the Federal Election Commission take no further action in this matter and that it close the file.

1. Respondents' contributions to Senator Kennedy's 1982 primary election campaign did not exceed the \$5000 per candidate per election limit of 2 U.S.C. 441a(a)(2)(A). Respondents' contribution records for 1982 reflect the following contributions to the Committee to Re-Elect Senator Kennedy for the 1982 election: COPE-PCC contributed \$1000 for the primary election on April 15, 1981; the IUD Voluntary Fund contributed \$1000 for the general election on June 11, 1981; COPE-PCC contributed \$4000 for the primary election on June 16, 1981; COPE-PCC contributed \$3000 for the general election on June 29, 1981; and the Political Education Fund of the Building and Construction Trades Department ("PEF-BCTD") contributed \$1000 for the general election on June 29, 1981. Thus respondents' internal records reflect that COPE-PCC and its affiliated committees, the IUD Voluntary Fund and the PEF-BCTD, contributed a total of \$5000.00 for the primary and \$5000.00 for the general election to Senator Kennedy's 1982 election campaign.

2. Due to a clerical error, the IUD Voluntary Fund's June 11, 1981 contribution in the amount of \$1000.00 for the general election was misdesignated on that Committee's June 1981 monthly FEC report as a contribution for the primary rather than general election. This clerical error was not detected until the Committee's receipt of your March 12, 1984 letter. An amendment to the IUD Voluntary Fund's June 1981 monthly FEC report correctly designating the June 11, 1981 contribution as being for the general election is attached hereto. (Attachment A).

Although the IUD Voluntary Fund's June 11, 1981 contribution was incorrectly reported as being for Senator Kennedy's primary campaign, that contribution was contemporaneously correctly recorded as a contribution for the general election in the IUD Voluntary Fund's contribution ledger as well as in COPE-PCC's internal contribution log. Furthermore, the IUD Voluntary Fund's cover letter and the voucher for the contribution check correctly reflect that the contribution was for Senator Kennedy's 1982 general election campaign. (See Attachments B and C.)

Since, as demonstrated above, respondent committees' contributions to Senator Kennedy's 1982 primary election campaign did not exceed \$5000.00, respondents have not violated 2 U.S.C. §441a(a)(2)(A). Accordingly, respondents respectfully request that the Commission take no further action in this matter.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents,
Thomas R. Donahue, AFL-CIO COPE
PCC, Elmer Chatak, and IUD Voluntary
Fund

05040:71300

REPORT OF RECEIPTS AND DISBURSEMENTS
For a Political Committee Other Than an Authorized Committee

Attachment A

(Summary Page)

ALIGN AREA		ALIGN AREA
------------	--	------------

1. Name of Committee (In Full)
**Industrial Union Dept., AFL-CIO
Voluntary Fund**

Address (Number and Street)
815 16th Street, N.W.

City, State and ZIP Code
Washington, D.C. 20006

Check here if address is different than previously reported.

2. FEC Identification Number
C-00117937

3. This committee qualified as a multicandidate committee during this Reporting Period on _____ (Date)

4. TYPE OF REPORT (Check appropriate boxes)

(a) April 15 Quarterly Report October 15 Quarterly Report

July 15 Quarterly Report January 31 Year End Report

July 31 Mid Year Report (Non-Election Year Only)

Monthly Report for June 1981

Twelfth day report preceding _____ (Type of Election)
election on _____ in the State of _____

Thirtieth day report following the General Election
on _____ in the State of _____

Termination Report

(b) Is this Report an Amendment?
 YES NO

SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>June 1</u> through <u>June 30, 1981</u>		
6. (a) Cash on hand January 1, 19 <u>81</u>	\$	\$ 168.53
(b) Cash on Hand at Beginning of Reporting Period	\$ 5,066.97	
(c) Total Receipts (from Line 18)	\$ -0-	\$ 6,000.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 5,066.97	\$ 6,168.53
7. Total Disbursements (from Line 28)	\$ 4,000.00	\$ 5,101.56
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 1,066.97	\$ 1,066.97
9. Debts and Obligations Owed TO The Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ -0-	

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

For further information contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-523-4068

Edmer Chatak
Type of Print Name of Treasurer

Edmer Chatak
SIGNATURE OF TREASURER

March 28, 1984
Date

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. § 437a.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

FEC FORM 3X (3/80)



Industrial Union Department AFL-CIO

Attachment B

General

Howard D. Samuel, President
Elmer Chatak, Secretary-Treasurer

815 16th Street N.W.
Washington, D.C. 20006
202/842-7800

June 11, 1981

The Honorable Edward M. Kennedy
United States Senate
Washington, D. C. 20510

Dear Senator Kennedy:

Enclosed is a contribution in the amount of \$1,000 for your campaign from the Industrial Union Department Voluntary Fund. The IUD Voluntary Fund was established and is maintained by the Industrial Union Department of the AFL-CIO.

Under the Federal Election Campaign Act, contributions of the AFL-CIO, the IUD and other subordinate bodies to a candidate must be combined for purposes of the \$5,000 contribution limit applicable to each election.

If you have received, or later receive, contributions to your campaign from a political fund or funds established and maintained by the AFL-CIO, any state or local central body of the AFL-CIO or any department of the AFL-CIO, and those contributions, together with the enclosed contribution, total more than \$5,000, we would appreciate it if you would return the amount over \$5,000 to the contributor(s).

Sincerely,

Marvin Caplan

Marvin Caplan
Legislative Director

Vice Presidents

Shelley Appleton • Kenneth Blaylock • Peter Bommarito • Dominick D'Ambrosio • David J. Fitzmaurice • Wayne E. Glenn • Robert F. Goss • Keith Johnson • William Lucy • Dan V. Maroney, Jr. • Frank Martino • Lloyd McBride • Lenore Miller • Charles H. Pillard • Albert Shanker • Jacob Sheinkman • Carl W. Studenroth • John J. Sweeney • J. C. Turner • Shannon Wall • Martin J. Ward • Glenn E. Watts • William H. Wynn

INDUSTRIAL UNION DEPARTMENT, AFSCIO
VOLUNTARY
Expenditure Authorization

COMMITTEE TO RE-ELECT SENATOR KENNEDY
EDWARD M. KENNEDY

Date JUNE 11 1981

42

make checks payable to

1000⁰⁰

Reference

Contribution
GENERAL ELECTION
1982

Amount of check

Bob. Fitzgerald TREASURER
PO Box 1400 BOSTON MASS. 02205
United States SENATE
Washington DC 20510

FOR

Accounts

7155

Approved by

[Signature]

IOU SERIAL 2

050

EPEC/IUOE, which letter accompanied the \$2,500.00 contribution in question. Note that the final paragraph states:

"If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise."

Prior to January 1983, the quoted paragraph was included in all transmittal letters accompanying EPEC/IUOE contributions. It was intended to assure that each recipient committee would allocate contributions from EPEC/IUOE and its affiliated committees in compliance with the requirements of the Act, or return any amounts which could not properly be accepted. Indeed, Paragraph 15 of the Complaint concedes that in this case the Kennedy Committee properly allocated the June 9, 1982 contribution to the general election and so reported on FEC Form 3. Accordingly, no violation of 2 U.S.C. §441a(a)(2)(A) occurred.

We acknowledge that EPEC/IUOE failed to check the proper box on its FEC Form 3 in connection with the June 9, 1982 contribution. However, this failure was an oversight resulting from administrative procedures that have been modified since 1982 to assure that such oversights will not recur. This change in procedure was adopted after an internal review conducted by EPEC/IUOE in connection with two Complaints filed in October of 1982 by the same counsel representing the Complainant herein, i.e., MUR's 1488 and 1492. Those Complaints alleged technical violations similar to the ones herein. In responding to those Complaints, EPEC/IUOE determined that a revision in its administrative procedures would be necessary to avoid confusion in the future. Since that time, EPEC/IUOE includes in each transmittal letter an explicit designation of whether the contribution is intended for the primary or general election and, thereafter, such designation is reflected in the appropriate box on FEC Form 3.

In summary, while we concede that a more concise cover letter and explicit designation on Form 3 would have clarified this matter, the evidence establishes that no violation of the Act occurred. We reiterate that, since early 1983, EPEC/IUOE's administrative practices have been modified in both respects.

Should the General Counsel believe that the information provided herein is not adequate to resolve the issues raised, it is respectfully requested that EPEC/IUOE be granted the opportunity to meet with the General Counsel, or appropriate staff members, to address such issues prior to submission of this matter to the Commission.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

Attachment

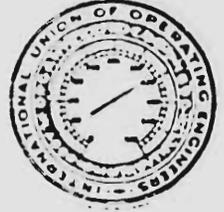
06040371602

J. C. TURNER
Chairman

FRANK HARLEY
Treasurer

1125 Seventeenth Street, N.W.
Washington, D.C. 20036
202-347-0560

Engineers Political Education Committee



June 21, 1982

Mr. Bob Fitzgerald, Treasurer
COMMITTEE TO RE-ELECT SENATOR KENNEDY
P. O. Box 1400
Boston, Massachusetts 02205

Dear Mr. Fitzgerald:

Attached hereto is our check No. 000724 in the amount of
\$2,500.00 as a contribution from the Engineers
Political Education Committee of the International
Union of Operating Engineers for Senator Kennedy's re-election
campaign.

If this check together with any other contributions
from our Local Unions exceeds the amount provided
by Federal Law, please advise.

Sincerely,

J. C. Turner
J. C. Turner
CHAIRMAN

Frank Harley
FRANK HARLEY
TREASURER

JCT:FR/kmg

Enc. (1)

06040:71603

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh)	
)	
Complainant,)	
)	
v.	)	Complaint
	)	MUR No. 1637
Edward M. Kennedy, et al.)	
)	
Respondents.)	
)	

6-11-82

Page

AFFIDAVIT OF ELLEN SCOTT

DISTRICT OF COLUMBIA	)	ss:
)	

ELLEN SCOTT deposes and says:

1. I am an employee of the Sheet Metal Workers' International Association ("SMWIA") and am responsible for preparing reports to the Federal Election Commission for the Sheet Metal Workers' Political Action League ("SMWIA PAL"). I was employed in that same capacity during all of 1981 and 1982.

2. Records of SMWIA-PAL show that contributions were made by SMWIA PAL to Senator Edward M. Kennedy in connection with his 1982 Senatorial campaign as follows:

- a. April 23, 1981 SMWIA-PAL check No. 1162 in the amount of \$1,000.00 with check memorandum stating "Senatorial Campaign"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy" (copy attached as Exhibit A).

0504071605

- b. May 19, 1981 SMWIA-PAL check No. 1165 in the amount of \$4,000.00 with check memorandum stating "Senatorial Campaign-Primary"; reverse of check shows deposit to account of "Committee to Re-Elect Senator Kennedy" (copy attached as Exhibit B).
- c. June 29, 1982 SMWIA-PAL check No. 142 in the amount of \$5,000.00 with check memorandum stating "Senatorial Massachusetts Primary"; reverse of check shows deposit to "Committee to Re-Elect Senator Kennedy - General Election Account" (copy attached as Exhibit C).

3. The checks described in paragraph 1 hereof amount to ten thousand dollars (\$10,000.00). These checks constitute the only contributions made to Senator Kennedy or his campaign committee for his entire 1982 Senatorial campaign.

4. I prepared each of the checks described in paragraph 2 above. In preparing those checks, I inadvertently and mistakenly stated on the check memorandum on check number 142 dated June 29, 1982 that the check was for the primary election.

5. In fact, the check was intended by SMWIA-PAL for the general election.

6. In preparing the July 15, 1982 Quarterly Report to the FEC, I also mistakenly indicated that the five thousand dollar disbursement made on June 29, 1982 was for the primary election of Senator Kennedy's campaign.

7. I have prepared an amended FEC report and it is being filed today with the Commission. A copy of that corrected report is attached to this response as Exhibit D.

8. I have been informed by Ms. Mary Paris of Senator Kennedy's staff that SMWIA-PAL's check number 142 dated June 29,

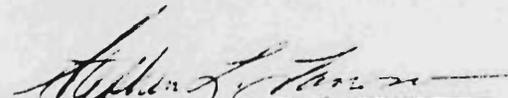
15097-1606

1982, was deposited by Senator Kennedy's campaign committee in its General Election Account.

I declare under penalty of perjury that the foregoing is true and correct.


ELLEN SCOTT

Subscribed and sworn to before me this 4th day of April, 1984.


Notary Public

MY COMMISSION EXPIRES
JUNE 14, 1986

0504071607

604/1931

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL

LANE KIRKLAND PRESIDENT	THOMAS R. DONAHUE SECRETARY-TREASURER
John H. Lyons S. Frank Raftery Glenn E. Watts Angelo Fosco Lloyd McBride Wm. W. Wimpfinger Wayne E. Glenn John J. Sweeney Barbara Hutchinson Gerald W. McEntee Patrick J. Campbell	Thomas W. Gleason Murray H. Finley Sol. C. Chaikin Charles H. Hillard Kenneth T. Haylock William H. Wynn Robert F. Guss Frank Duvrak Richard J. Kelley William H. Bywater Kenneth J. Brown Frederick O'Neal Albert Shanker Edward T. Hanley J. C. Turner Alvin E. Heaps John DeConcini Joyce D. Miller James E. Hatfield Vincent R. Sombrotto Marvin J. Boede Gwen Bieber

cc
cc
cc

March 20, 1984

7-1637
H99

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

RE: FEC MUR 1637

Dear Mr. Steele:

Pursuant to 11 C.F.R. 111.23, the AFL-CIO Committee On Political Education Political Contributions Committee and the Industrial Union Department AFL-CIO Voluntary Fund hereby designate Margaret E. McCormick as our counsel in the above-referenced matter.

Ms. McCormick is authorized to receive any notifications and other communications from the Commission in connection with this matter and to act on our behalf before the Federal Election Commission.

Ms. McCormick's address is: AFL-CIO Legal Department, 815 16th Street, N.W., Room 808, Washington D.C. 20006. Her telephone numbers are: (office) 202-637-5397; (home) 301-656-9612.

Sincerely,

Thomas R. Donahue
Thomas R. Donahue
Secretary-Treasurer

860403/1508



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Cecil D. Clay, Treasurer
Sheet Metal Workers International
Association Political Action
League
1750 New York Avenue, N.W.
Washington, D. C. 20006

Re: MUR 1637

Dear Mr. Clay:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Sheet Metal Workers International Association Political Action League and you, individually and as treasurer, 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 1637. Please refer to this number in all future correspondence.

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

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

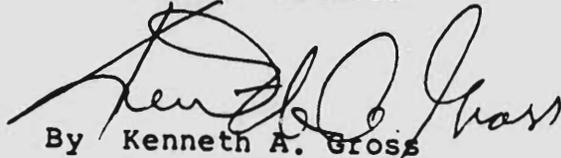
This matter will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

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

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

01517307096

Enclosures

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

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

Show to whom and date delivered 6

Show to whom, date, and address of delivery ... 6

2. **RESTRICTED DELIVERY** 6
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
Carol D. Clay, Pres.
State of New York
1750 NY State Office Bldg.
Albany, NY 12242

4. **TYPE OF SERVICE:**

REGISTERED INSURED

CERTIFIED COD

EXPRESS MAIL

ARTICLE NUMBER: 103020

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent



5. **DATE OF DELIVERY:** 7/10/82

POSTMARK: (may be on reverse side)

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

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS:**

RETURN RECEIPT

● GPO: 1982-379-593

103020 July 10 1982 523-5071



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Davis Turner, Treasurer
Sheet Metal Workers International
Association Political Action
League
1750 New York Avenue, N.W.
Washington, D. C. 20006

Re: MUR 1637

Dear Mr. Turner:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Sheet Metal Workers International Association Political Action League and you, individually and as treasurer, 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 1637. Please refer to this number in all future correspondence.

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

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

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

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

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

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

05040:71612

Enclosures

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

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

Show to whom and date delivered \$

Show to whom, date, and address of delivery .. \$

2. RESTRICTED DELIVERY \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
*Delia T. ...
1700 ...*

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**

REGISTERED INSURED

CERTIFIED COD *903079*

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

[Signature]

5. **DATE OF DELIVERY** **POSTMARK**
(may be on reverse side)

[Date] *[Postmark]*

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

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**

* GPO: 1982-379-503

11/16/83 Hagan

3-12-84



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawrence Dock, Treasurer
International Ladies Garment
Workers Union Campaign Committee
1710 Broadway
New York, New York 10019

Re: MUR 1637

Dear Mr. Dock:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the International Ladies Garment Workers Union Campaign Committee and you, individually and as treasurer, 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 1637. 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 the committee and you, individually and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

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

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]
By Kenneth A. Gross
Associate General Counsel

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Enclosures

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

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

Show to whom and date delivered \$

Show to whom, date, and address of delivery ... \$

2. **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO**
*International Labor Council
175 Broadway
NY NY 10038*

4. TYPE OF SERVICE:	ARTICLE NUMBER
<input type="checkbox"/> REGISTERED	943078
<input type="checkbox"/> CERTIFIED	
<input type="checkbox"/> EXPRESS MAIL	
<input type="checkbox"/> INSURED	
<input type="checkbox"/> COD	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

[Handwritten Signature]

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

NY
POST OFFICE
(copy all on reverse)
JUL 10 1982

RETURN RECEIPT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Hanley, Treasurer
Engineers Political Education
Committee/International Union
of Operating Engineers
1125 - 17th Street, N.W.
Washington, D. C. 20036

Re: MUR 1637

Dear Mr. Hanley:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Engineers Political Education Committee/International Union of Operating Engineers and you, individually and as treasurer, 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 1637. Please refer to this number in all future correspondence.

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

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

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

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

05040571615

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]
By Kenneth A. Gross
Associate General Counsel

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Enclosures

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

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery .. 2. <input type="checkbox"/> RESTRICTED DELIVERY <small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: <i>Edmund P. Brennan, Esq.</i> <i>1125 17th St NW</i> <i>Washington, DC 20036</i>	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER <i>943077</i>
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>[Signature]</i>	
5. DATE OF DELIVERY <i>3/14/84</i>	POSTMARK <small>(May be on reverse side)</small> <i>4861</i>
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS

RETURN RECEIPT



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Elmer Chatak, Treasurer
Industrial Union Department
AFL-CIO Voluntary Fund
815 - 16th Street, N.W.
Washington, D. C. 20006

Re: MUR 1637

Dear Mr. Chatak:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Industrial Union Department AFL-CIO Voluntary Fund and you, individually and as treasurer, 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 1637. Please refer to this number in all future correspondence.

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

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

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

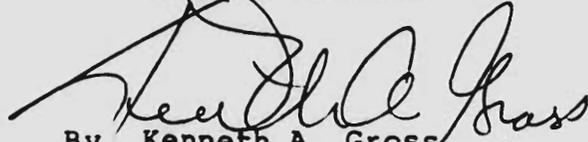
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any - notifications and other communications from the Commission.

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If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

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Enclosures

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

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

Show to whom and date delivered \$

Show to whom, date, and address of delivery .. \$

2. RESTRICTED DELIVERY \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**
*Carol Davis
 615-16th St NW
 Wash DC 20006*

4. **TYPE OF SERVICE:** ARTICLE NUMBER

REGISTERED INSURED

CERTIFIED COD 943076

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

Carol Davis

5. **DATE OF DELIVERY** **POSTMARK**
(may be on reverse side)

3-14-84

6. **ADDRESSEE'S ADDRESS:**

*615-16th St NW
 Wash DC 20006*

7. **UNABLE TO DELIVER BECAUSE:** **EMPLOYEE'S INITIALS**

[Signature]

RETURN RECEIPT

mar 16 3 11 29 AM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas R. Donahue, Treasurer
AFL-CIO Committee on Political
Education & Political Contribu-
tions Committee
815 - 16th Street, N.W.
Washington, D. C. 20006

Re: MUR 1637

Dear Mr. Donahue:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the AFL-CIO Committee on Political Education & Political Contributions Committee and you, individually and as treasurer, 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 1637. 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 the committee and you, individually and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

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

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel

[Handwritten Signature]
By Kenneth A. Gross
Associate General Counsel

9 5 0 4 0 3 7 1 5 2 0

Enclosures

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

PS Form 3811, July 1982

● SENDER: Complete items 1, 2, 3, and 4. Add your address in the "RETURN TO" space on reverse.	
(CONSULT POSTMASTER FOR FEES)	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered \$ <input type="checkbox"/> Show to whom, date, and address of delivery .. \$ 2. <input type="checkbox"/> RESTRICTED DELIVERY \$ <small>(The restricted delivery fee is charged in addition to the return receipt fee.)</small>	
TOTAL \$ _____	
3. ARTICLE ADDRESSED TO: <i>1100</i>	
4. TYPE OF SERVICE: <input type="checkbox"/> REGISTERED <input type="checkbox"/> INSURED <input type="checkbox"/> CERTIFIED <input type="checkbox"/> COD <input type="checkbox"/> EXPRESS MAIL	ARTICLE NUMBER <i>943075</i>
(Always obtain signature of addressee or agent)	
I have received the article described above. SIGNATURE <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent <i>[Handwritten Signature]</i>	
5. DATE OF DELIVERY <i>3-14-89</i>	POSTMARK <small>(may be on reverse side)</small>
6. ADDRESSEE'S ADDRESS (Only if requested)	
7. UNABLE TO DELIVER BECAUSE:	7a. EMPLOYEE'S INITIALS <i>[Handwritten Initials]</i>

RETURN RECEIPT

1100 1037 Hagan

© GPO: 1982-578-500
245-245



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bob Fitzgerald, Treasurer
The Committee to Re-elect
Senator Kennedy
Post Office Box 1400
Boston, Massachusetts 02110

Re: MUR 1637

Dear Mr. Fitzgerald:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Committee to Re-elect Senator Kennedy and you, individually and as treasurer, 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 1637. 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 the committee and you, individually and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

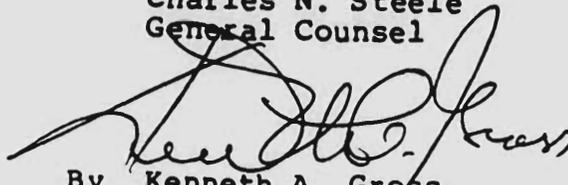
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

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Enclosures

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

PS Form 3811, July 1962

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one)

Show to whom and date delivered \$

Show to whom, date, and address of delivery .. \$

2. RESTRICTED DELIVERY \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. ARTICLE ADDRESSED TO:
*Administrative Services
Office of the General Counsel
1000 Bank Building
Boston, Mass. 02105*

4. TYPE OF SERVICE: ARTICLE NUMBER

REGISTERED INSURED 943074

CERTIFIED COD

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. DATE OF DELIVERY

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

FR

mark 1637 Hagan

POST OFFICE BOSTON MASS 02105

POST BANK
(may charge reverse fee)

199

USPS

GPO: 1962-370-503
37284

RETURN RECEIPT



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Edward M. Kennedy
United States Senate
Washington, D. C.

Re: MUR 1637

Dear Mr. Kennedy:

This letter is to notify you that on March 1, 1984 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 1637. Please refer to this number in all future correspondence.

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

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

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

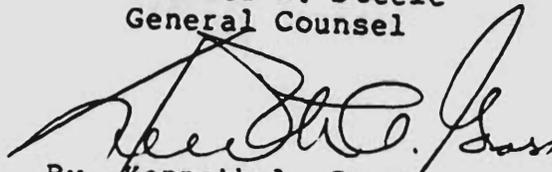
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

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Enclosures

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



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John R. Zamparelli, Treasurer
The Committee to Re-elect
Senator Kennedy
140 Federal Street, Suite 1220
Boston, Massachusetts 02110

Re: MUR 1637

Dear Mr. Zamparelli:

This letter is to notify you that on March 1, 1984 the Federal Election Commission received a complaint which alleges that the Committee to Re-elect Senator Kennedy and you, individually and as treasurer, 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 1637. 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 the committee and you, individually and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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

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

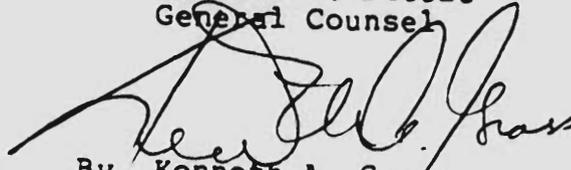
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

05040571695

If you have any questions, please contact Fran Hagan the staff member assigned to this matter at (202) 523-5071. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

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Enclosures

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

PS Form 3811, July 1982

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

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

Show to whom and date delivered \$

Show to whom, date, and address of delivery .. \$

2. **RESTRICTED DELIVERY** \$
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
JULY 1982
140 Federal St. Suite 1500
Boston, Mass 02110

4. **TYPE OF SERVICE:** **ARTICLE NUMBER**

REGISTERED INSURED 94572

CERTIFIED COD

EXPRESS MAIL

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE Addressee Authorized agent

5. **DATE OF DELIVERY** **POSTMARK**
(Stamp on an adjacent side)

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

7. **UNABLE TO DELIVER BECAUSE:** **7a. EMPLOYEE'S INITIALS**
JK

RETURN RECEIPT

17412 1037 Hagan 342-84
GPO: 1982-370-593

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy, American Federation of Labor - Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee ("AFL-CIO COPE-PCC"), and its affiliated separate segregated fund ("SSF"), Industrial Union Department AFL-CIO Voluntary Fund; Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"); International Ladies Garment Workers Union Campaign Committee ("ILGWUCC"); and Sheet Metal Workers International Association Political Action League ("SMWIAPAL"), and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A).

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

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Respondents are:

a. Edward M. Kennedy, 140 Federal Street, Suite 1220 (2nd floor), Boston, Massachusetts 02110.

b. John F. Zamparelli, individually and in his capacity as treasurer of The Committee to Re-elect Senator Kennedy, 140 Federal Street, Suite 1220 (2nd floor), Boston, Massachusetts 02110.

c. Bob Fitzgerald, individually and in his capacity as treasurer of The Committee to Re-elect Senator Kennedy, Post Office Box 1400, Boston, Massachusetts 02205.

d. The Committee to Re-elect Senator Kennedy, -

140 Federal Street, Suite 1220 (2nd floor),
Boston, Massachusetts 02110.

Post Office Box 1400,
Boston, Massachusetts 02205.

Post Office Box 2884,
Washington, D.C. 20013.

e. Thomas R. Donahue, individually and in his capacity as treasurer of American Federation of Labor - Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006.

f. American Federation of Labor - Congress of Industrial Organizations Committee on Political Educational and Political Contributions Committee, 815 16th Street, N.W., Washington, D.C. 20006.

06040371529

g. Elmer Chatak, individually and in his capacity as treasurer of Industrial Union Department AFL-CIO Voluntary Fund, 815 16th Street, N.W., Room 301, Washington, D.C. 20006.

h. Industrial Union Department AFL-CIO Voluntary Fund, 815 16th Street, N.W., Room 301, Washington, D.C. 20006.

i. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers, 1125 17th Street, N.W., Washington, D.C. 20036.

j. Engineers Political Education Committee/International Union of Operating Engineers, 1125 17th Street, N.W., Washington, D.C. 20036.

k. Lawrence Dock, individually and in his capacity as treasurer of International Ladies Garment Workers Union Campaign Committee, 1710 Broadway, New York, New York 10019.

l. International Ladies Garment Workers Union Campaign Committee, 1710 Broadway, New York, New York 10019.

m. Davis Turner, individually and in his capacity as treasurer of Sheet Metal Workers International Association Political Action League, 1750 New York Avenue, N.W., Washington, D.C. 20006.

n. Cecil D. Clay, individually and in his capacity as treasurer of Sheet Metal Workers International Association Political Action League, 1750 New York Avenue, N.W., Washington, D.C. 20006.

o. Sheet Metal Workers International Association Political Action League, 1750 New York Avenue, N.W., Washington, D.C. 20006.

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3. Liability may be imposed upon the candidate, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy, AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund; EPEC/IUOE; ILGWUCC and SMWIAPAL pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLARS) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

5. For purposes of this complaint, contributions made by AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund, are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through 11 C.F.R. §100.5(g)(i)(B).

IV. OVERVIEW

6. Based on complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election in which Edward M. Kennedy was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Edward

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M. Kennedy; The Committee to Re-elect Senator Kennedy and its treasurer; AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department; EPEC/IUOE; ILGWUCC; and SMWIAPAL filed for the 1982 federal primary election.

7. For the 1982 federal primary election, excessive funds were contributed to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer by AFL-CIO COPE-PCC and its treasurer; Industrial Union Department AFL-CIO Voluntary Fund and its treasurer; EPEC/IUOE and its treasurer; ILGWUCC and its treasurer; and SMWIAPAL and its treasurer. The 1982 Massachusetts Congressional primary was held on September 14, 1982.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A) which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. VIOLATIONS OF THE F.E.C.A.
BY
THE COMMITTEE TO RE-ELECT SENATOR KENNEDY
IN THE
1982 FEDERAL PRIMARY ELECTION

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable

amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund, in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

10. Candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, for the 1982 federal primary election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund, in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
4/24/81	\$1,000.00	AFL-CIO COPE-PCC	#81020043082
7/2/81	\$4,000.00	AFL-CIO COPE-PCC	#82020020378
6/19/81	<u>\$1,000.00</u>	Industrial Union Department AFL-CIO Voluntary Fund	#81020043082
Total = \$6,000.00			

11. A running total of the amount of contributions received from AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department AFL-CIO Voluntary Fund would have put on notice Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer that they had received \$2,000.00 (TWO THOUSAND DOLLARS)

on June 19, 1981. On that date, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer were only permitted to accept an additional contribution of \$3,000.00 (THREE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(f), they accepted additional contributions and thereby exceeded the maximum \$5,000.00 (FIVE THOUSAND DOLLARS) the statute permits them to accept.

12. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

13. Candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
6/8/81	\$5,000.00	#81020043084
6/24/82	<u>\$2,500.00</u>	#82020081936
Total = \$7,500.00		

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14. A running total of contributions from EPEC/IUOE would have put on notice Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on June 8, 1981. On that date, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441a(f), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer accepted a contribution from this contributor in the amount of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). This amount exceeded the statutory monetary ceiling by \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

15. Edward M. Kennedy, The Committee to Re-elect Senator Kennedy, and its treasurer failed to accurately report the \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) contribution of June 9, 1982 which was designated by EPEC/IUOE as a contribution for the primary election. (See F.E.C. Microfilm #82032380774.) In violation of 11 C.F.R. §104.14(d), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm #82020081936.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information contained therein." Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer knowingly misreported the contribution in order to accept contributions

in excess of the statutory limit.

16. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from ILGWUCC in the amount of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

17. Candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, for the 1982 federal primary election, accepted contributions from ILGWUCC in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>Contributor</u>	<u>F.E.C. Microfilm Location</u>
9/15/81	\$5,000.00	ILGWUCC	#82020020378
9/9/82	<u>\$2,500.00</u>	ILGWUCC	#82020130709
Total = \$7,500.00			

18. A running total of contributions from ILGWUCC would have put on notice Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by September 15, 1981. On that date, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its

treasurer could no longer lawfully accept any contributions from ILGWUCC. In violation of 2 U.S.C. §441(f), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer accepted a contribution from this contributor in the amount of \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). This amount exceeded the statutory monetary ceiling by \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

19. Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer failed to accurately report the \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) contribution of August 27, 1982 which was designated by ILGWUCC as a contribution for the primary election. (See F.E.C. Microfilm #82032435083.) In violation of 11 C.F.R. §104.14(d), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82020130709.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

20. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable

0504071627



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 12, 1984

Mr. James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

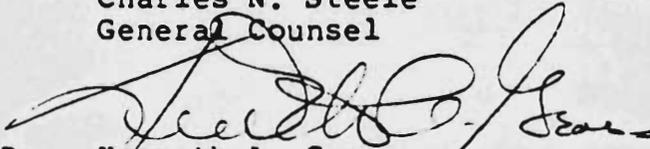
Dear Mr. Antosh:

25040371633
This letter is to acknowledge receipt of your complaint which we received on March 1, 1984, against Edward M. Kennedy, The Committee to Re-elect Senator Kennedy, John F. Zamparelli, Bob Fitzgerald, Thomas R. Donahue, AFL-CIO Committee on Political Education & Political Contributions Committee, Elmer Chatak, Industrial Union Department AFL-CIO Voluntary Fund, Frank Hanley, Engineers Political Education Committee/International Union of Operating Engineers, Lawrence Dock, International Ladies Garment Workers Union Campaign Committee, Davis Turner, Sheet Metal Workers International Association Political Action League and Cecil D. Clay which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Cheryl Thomas at (202) 523-4073.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosure

amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from SMWIAPAL in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

21. Candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer, for the 1982 federal primary election, accepted contributions from SMWIAPAL in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
5/18/81	\$1,000.00	#81020043083
8/10/81	\$4,000.00	#82020020380
7/14/82	<u>\$5,000.00</u>	#82021200310
Total= \$10,000.00		

22. A running total of contributions from SMWIAPAL would have put on notice Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on August 10, 1981. On that date, Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer could no longer lawfully accept any contributions from SMWIAPAL. In violation of 2 U.S.C. §441a(f), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer

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accepted a contribution from this contributor in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

23. Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLARS) contribution of June 29, 1982 which was designated by SMWIAPAL as a contribution for the primary election. (See F.E.C. Microfilm #82032352881.) In violation of 11 C.F.R. §104.14(d), Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm #82021200310.) F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

24. Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer knowingly and repeatedly failed to comply with 11 C.F.R. §104.14(d). They misreported contributions from EPEC/IUOE, ILGWUCC and SMWIAPAL and accepted contributions in excess of the statutory limit.

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VI. VIOLATIONS OF THE F.E.C.A.
BY
AFL-CIO COPE-PCC AND
INDUSTRIAL UNION DEPARTMENT AFL-CIO VOLUNTARY FUND
IN THE
1982 FEDERAL PRIMARY ELECTION

25. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department, for the 1982 federal primary election contributed to candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

26. AFL-CIO COPE-PCC and Industrial Union Department AFL-CIO Voluntary Fund contributed the following amounts:

a. On April 15, 1981, AFL-CIO COPE-PCC contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #81031055389.)

b. On June 16, 1981, AFL-CIO COPE-PCC contributed \$4,000.00 (FOUR THOUSAND DOLLARS). (See F.E.C. Microfilm #81032004085.)

c. On June 11, 1981, Industrial Union Department AFL-CIO Voluntary Fund contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #81031983864.)

27. A running total of the amount contributed to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer would have put on notice AFL-CIO COPE-PCC and its affiliated SSF, Industrial Union Department, that as of June 11, 1981, they had contributed \$2,000.00 (TWO THOUSAND DOLLARS) and that they could only contribute an additional \$3,000.00 (THREE THOUSAND DOLLARS) if they wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a \$4,000.00 (FOUR THOUSAND DOLLARS) contribution was made to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer. This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

VII. VIOLATIONS OF THE F.E.C.A.
BY
EPEC/IUOE
IN THE
1982 FEDERAL PRIMARY ELECTION

28. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE, for the 1982 federal primary election contributed to candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer a total of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

29. EPEC/IUOE contributed the following amounts:

a. On May 26, 1981, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #81032023991.)

b. On June 9, 1982, EPEC/IUOE contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032380774.)

30. A running total of the amount contributed to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer by EPEC/IUOE would have put it on notice that as of May 26, 1981, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) contribution on June 9, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

VIII. VIOLATIONS OF THE F.E.C.A.
BY
ILGWUCC
IN THE
1982 FEDERAL PRIMARY ELECTION

31. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election

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Commission, the Complainant believes that ILGWUCC, for the 1982 federal primary election contributed to candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer a total of \$7,500.00 (SEVEN THOUSAND FIVE HUNDRED DOLLARS).

32. ILGWUCC contributed the following amounts:

a. On August 24, 1981, ILGWUCC contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #81032061348.)

b. On August 27, 1982, ILGWUCC contributed \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032435083.)

33. A running total of the amount contributed to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer by ILGWUCC would have put it on notice that as of August 24, 1981, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), ILGWUCC made a \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS) contribution on August 27, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$2,500.00 (TWO THOUSAND FIVE HUNDRED DOLLARS).

IX. VIOLATIONS OF THE F.E.C.A.
BY
SMWIAPAL
IN THE
1982 FEDERAL PRIMARY ELECTION

34. Based on a review of the periodic reports, Federal Election

Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that SMWIAPAL, for the 1982 federal primary election contributed to candidate Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

35. SMWIAPAL contributed the following amounts:

a. On April 23, 1981, SMWIAPAL contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #81031970266.)

b. On May 19, 1982, SMWIAPAL contributed \$4,000.00 (FOUR THOUSAND DOLLARS). (See F.E.C. Microfilm #8103973594.)

c. On June 29, 1982, SMWIAPAL contributed \$5,000.00 FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032352881.)

36. A running total of the amount contributed to Edward M. Kennedy, The Committee to Re-elect Senator Kennedy and its treasurer by SMWIAPAL would have put it on notice that as of May 19, 1981, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), SMWIAPAL made a \$5,000.00 FIVE THOUSAND DOLLARS) contribution on June 29, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLARS) ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

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X. CONCLUSION

37. As documented above, Respondents have knowingly violated the spirit and letter of the Federal Election Campaign Act.

38. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on each of the Respondents.

Michael Ernest Avakian

Michael Ernest Avakian
Center on National Labor Policy

Martha M. Poindexter

Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

March 1, 1984

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DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorney(s) identified below as complainant's attorney(s) of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

Feb 29 1984
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

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FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20543

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