FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR # 1648

Date Filmed 8/21/85 Camera No. --- 2

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FEDERAL ELECTION COMMISSION

Conciliation materials ; Commissioner Comments

Routing Cards

12 Day Reports

Duplicates

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

___ (1) Classified Information

✓ (2) Internal rules and practices

✓ (3) Exempted by other statute

___ (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 Paul Reyes

date 8/13/85

FEC 9-21-77

8/15/85

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 1648
United Paperworkers International	)	
Union Political Education Program	)	
George O'Bea, Jr., treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 3, 1985, the Commission decided by a vote of 6-0 to take the following actions in MUR 1648:

1. Accept the conciliation agreement submitted with the General Counsel's Report signed June 27, 1985.
2. Close the file.
3. Approve and send the proposed letters attached to the General Counsel's Report signed June 27, 1985.

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

Attest:

7-5-85
Date

Judy C. Ransom
for Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary: 7-1-85, 11:06
Circulated on 48 hour tally basis: 7-1-85, 4:00

85040543737

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1985

Michael Hamilton, Esquire
3340 Perimeter Hill
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union
Political Education
Program
George O'Bea, Jr., Treasurer

Dear Mr. Hamilton:

On July 3 , 1985, the Commission accepted the conciliation agreement signed by your clients, 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, 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.

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

8504054373 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1985

Michael E. Avakian, Esquire
Martha M. Poindexter, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, VA 22151

RE: MUR 1648

Dear Mr. Avakian and Ms. Poindexter:

This is in reference to the complaint you filed with the Commission on March 16, 1984, concerning contributions made to the Riegle for Senate Committee in 1982 from three political committees.

After conducting an investigation in this matter the Commission determined there was probable cause to believe that the United Paperworkers International Union Political Education Program and George O'Bea, Jr., as treasurer, violated 2 U.S.C §441a(a)(2)(A) a provision of the Federal Election Campaign Act of 1971, as amended. On July 3 , 1985, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy of this agreement is enclosed for your information.

The file number in this matter is MUR 1648. If you have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

8504054373 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1985

Robert F. Bauer, Esquire
Perkins, Coie, Stone, Olsen &
Williams
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 1648
Riegle for Senate
M.P. Patten, Treasurer

Dear Mr. Bauer:

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 Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

cc: Honorable Donald W. Riegle
105 Dirksen Senate Office Building
Washington, D.C. 20510
Attn: Kevin Gottlieb

8504054374 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1985

Louis B. Knecht, Treasurer
Communications Workers of America COPE
1925 K. Street, N.W. Suite 211
Washington, D.C. 20006

RE: MUR 1648

Dear Mr. Knecht:

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 Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

8504054374 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 15, 1985

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1648

Dear Ms. McCormick:

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 Paul Reyes, 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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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael E. Avakian, Esquire
Martha M. Poindexter, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, VA 22151

RE: MUR 1648

Dear Mr. Avakian and Ms. Poindexter:

This is in reference to the complaint you filed with the Commission on March 16, 1984, concerning contributions made to the Riegle for Senate Committee in 1982 from three political committees.

After conducting an investigation in this matter the Commission determined there was probable cause to believe that the United Paperworkers International Union Political Education Program and George O'Bea, Jr., as treasurer, violated 2 U.S.C §441a(a)(2)(A) a provision of the Federal Election Campaign Act of 1971, as amended. On , 1985, a conciliation agreement signed by the respondent was accepted by the Commission, thereby concluding the matter. A copy of this agreement is enclosed for your information.

The file number in this matter is MUR 1648. If you have any questions, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

TPR 7/11/85

85040543743

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Hamilton, Esquire
3340 Perimeter Hill
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union
Political Education
Program
George O'Bea, Jr., Treasurer

Dear Mr. Hamilton:

On , 1985, the Commission accepted the conciliation agreement signed by your clients, 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, 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.

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

TGW 7/11/85

8504054374 4

SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of United Paperworkers International Union Political Education Program George O'Bea, Jr., Treasurer	))))))	MUR 1648

GENERAL COUNSEL'S REPORT

Background

Attached is a conciliation agreement which has been signed by George O'Bea, Jr., treasurer of the United Paperworkers International Union Political Education Program.

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Recommendation

The Office of General Counsel recommends the acceptance of this agreement, the closing of the file, and approving and sending the attached proposed letters.

Charles N. Steele
General Counsel

June 27, 1985
Date

BY: Kenneth A. Gross
Associate General Counsel

Attachments
Conciliation Agreement (1)
Proposed Letters

RECEIVED AT THE FEC

85 JUN 18 A8:08

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

UNITED PAPERWORKERS INTERNATIONAL UNION/POLITICAL EDUCATION PROGRAM	]	MUR 1648
GEORGE O'BEA, TREASURER	]	

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by James Edward Antosh. An investigation has been conducted, and the Commission found probable cause to believe that the United Paperworkers International Union/Political Education Program, and George O'Bea as Treasurer, (the "Paperworkers" or "Respondent") violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of $5,000 to the Reigle for Senate in '82 Committee in connection with the August 10, 1982 Primary election in Michigan.

NOW, THEREFORE, the Commission and Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i) do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding.

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

III. Respondents enter voluntarily into this agreement with the Commission.

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

1. Respondent, the United Paperworkers International Union/Political Education Program, is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Respondent, George O'Bea, is the present Treasurer of the Paperworkers Committee and is named herein only in that official capacity.

3. Section 441a(a)(2)(A) of Title 2, United States Code, provides that a multicandidate committee may not contribute in excess of $5,000 to a federal candidate with respect to an election.

4. Section 110.1(a)(2)(ii) of Title 11, Code of Federal Regulations provides that contributions not designated in writing for a particular election, will be treated as made for a primary election if made before (or on) the date of the primary election.

5. Respondent Paperworkers committee is a multicandidate political committee within the meaning of 2 U.S.C. § 441a(a)(4).

6. Donald W. Riegle was a candidate seeking federal office in the August 10, 1982 Primary election in Michigan.

7. Respondents made contributions to the political committee authorized by Donald W. Riegle to act in his behalf, the Riegle for Senate in '82 Committee, in connection with the August 10, 1982 primary election; none of which were designated in writing for that or any election. Respondents contend that their failure to designate these contribtuions was an inadvertent error.

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V. WHEREFORE, The Commission and the Respondents agree that: In violation of 2 U.S.C. § 441a(a)(2)(A), Respondents contributed an aggregate of $6,000, which was not designated in writing for any election, to the Riegle for Senate in '82 Committee, prior to the date of the August 10, 1982 primary election.

VI. Respondents will pay a civil penalty to the Treasurer of the United States in the amount of two hundred fifty dollars ($250), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they 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. § 436g(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 requirements 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. Respondents 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.

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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: _____ Date July 12, 1985
Kenneth A. Gross
Associate General Counsel

FOR THE RESPONDENT:

_____ Date June 14-1985
George O'Bea,
TREASURER

85040543749

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: July 1, 1985

SUBJECT: MUR 1648 - General Counsel's Report

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

Open Session _____

Closed Session _____

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

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UNITED PAPERWORKERS INTERNATIONAL UNION

POLITICAL EDUCATION PROGRAM

WAYNE E. GLENN
President

GEORGE H. O'BEA, JR.
Vice President - PEP Director

JOHN M. DEFEE
Secretary—Treasurer

GCC #222

PEP

85040543751

June 17, 1985

Mr. Paul Reyes, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1648

Dear Mr. Reyes:

Enclosed is the signed Conciliation Agreement in the above-referenced matter for F.E.C. approval. After receiving approval, we will remit the fine to the Treasurer.

Please forward the signed agreement to our attorney, Mr. Michael Hamilton, Esq., United Paperworkers International Union, P.O. Box 1475, Nashville, Tn. 37202.

Very truly yours,

George O'Bea, Jr.

George H. O'Bea, Jr.
Vice President

GO:jrm
enc.
cy: President Glenn
Secretary-Treasurer Defee
V.P. Glenn Goss
Michael Hamilton

Attachment

1

AFL-CIO Bldg. - Suite 701 - 815 16th St. N.W. Washington, D.C. 20006 • Telephone (202) 783-5035

RECEIVED AT THE FEC
GCC #2227

UNITED PAPERWORKERS INTERNATIONAL UNION

POLITICAL EDUCATION PROGRAM

WAYNE E. GLENN
President

GEORGE H. O'BEA, JR.
Vice President - PEP Director

JOHN M. DEFEE
Secretary—Treasurer

pep

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
85 JUN 19 A 9:27

June 17, 1985

Mr. Paul Reyes, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1648

Dear Mr. Reyes:

Enclosed is the signed Conciliation Agreement in the above-referenced matter for F.E.C. approval. After receiving approval, we will remit the fine to the Treasurer.

Please forward the signed agreement to our attorney, Mr. Michael Hamilton, Esq., United Paperworkers International Union, P.O. Box 1475, Nashville, Tn. 37202.

Very truly yours,

George O'Bea, Jr.

George H. O'Bea, Jr.
Vice President

GO:jrm
enc.
cy: President Glenn
Secretary-Treasurer Defee
V.P. Glenn Goss
Michael Hamilton

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Washington Office AFL-CIO Bldg - Suite 701 - 815 16th St. N.W., Washington, D.C. 20006 • Telephone: (202) 783-5238

UNITED PAPERWORKERS INTERNATIONAL UNION
AFL-CIO BLDG. - SUITE 701 - 815 16th ST. N.W., WASHINGTON, D.C. 20006

WASHINGTON, DC 20
17 JUN
1985

Mr. Paul Reyes, Esq.
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

p BA

Robert F. Bauer, Esquire
Perkins, Coie, Stone, Olsen &
Williams
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005

RE: MUR 1648
Riegle for Senate Committee
M.P. Patten, Treasurer

Dear Mr. Bauer:

On August 14, 1984, the Commission found reason to believe your client committed a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended in connection with the receipt of contributions aggregating in excess of $5,000 from the United Paperworkers International Union Political Education Program, George O'Bea, treasurer.

On February 4, 1985 the Office of General Counsel forwarded to your client a Brief outlining the General Counsel's position on the factual and legal issues in this matter. Your responsive Brief was received by the Commission on March 12, 1985. After considering all the circumstances of this matter, the Commission, on May 14, 1985, determined to take no further action against your client and close the file as to your client.

Accordingly, the file in this matter, numbered MUR 1648, will become part of the public record within 30 days, after it has been closed with respect to all other respondents involved. Should you wish to submit any factual or legal materials to appear on the public record, please do so within 10 days. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Charles N. Steele
General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

PMR

Michael Hamilton, Esquire
United Paperworkers
International Union
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union
Political Education Program,
George O'Bea, Treasurer

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Dear Mr. Hamilton:

On , 1985, the Commission determined that there is probable cause to believe your clients committed a violation of 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with contributions made to the Riegle for Senate Committee for the 1982 Michigan Primary election. Your clients' contributions aggregated in excess of $5,000 for that election and were not designated in writing for any election.

The Commission has a duty to attempt to correct such violations for a period of thirty to ninety days by informal methods of conference, conciliation and persuasion, and by entering into a conciliation agreement. If we are unable to reach an agreement during that period, the Commission may institute civil suit in United States District Court and seek payment of a civil penalty.

We enclose a conciliation agreement that this Office is prepared to recommend to the Commission in settlement of this matter. If you agree with the provisions of the enclosed agreement, please sign and return it along with the civil penalty to the Commission within ten days. I will then recommend that the Commission approve the agreement. Please make your check for the civil penalty payable to the U.S. Treasurer.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, please contact Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Conciliation Agreement

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Riegle for Senate Committee	)	MUR 1648
M. P. Patten, Treasurer	)	
United Paperworkers International	)	
Union Political Education Program	)	
George O'Bea, Treasurer	)	

CERTIFICATION

I, Mary W. Dove, recording secretary for the Federal Election Commission executive session of May 14, 1985, do hereby certify that the Commission took the following actions in MUR 1648:

1. Decided on a vote of 5-1 to take no further action against the Riegle for Senate Committee and M. P. Patten, as treasurer, and close the file.

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

2. Decided on a vote of 6-0 to find probable cause to believe that the United Paperworkers Internationsl Union Political Education Program and George O'Bea, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

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

3. Decided on a vote of 4-1 to approve the proposed conciliation agreement for the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, and approve the appropriate letters.

   Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmatively for the decision. Commissioner Harris dissented, and Commissioner McDonald was not present at the time of the vote.

Attest:

5-15-85
Date

Mary W. Dove
Mary W. Dove
Recording Secretary

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel Rd

DATE: May 7, 1985

SUBJECT: MUR 1648 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of May 14, 1985

Open Session _____

Closed Session XX

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

SENSITIVE

CIRCULATE ON BLUE PAPER

ON AGENDA May 14, 1985

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED FEC COMMISSION SECRETARY

In the Matter of	)	
	)	
Riegle for Senate Committee	)	MUR 1648
M.P. Patten, Treasurer	)	
	)	
United Paperworkers International Union Political Education Program	)	
George O'Bea, Treasurer	)	

85 MAY 13 P 4:43

EXECUTIVE SESSION

MAY 14 1985

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Based on a complaint filed and respondents' responses thereto, the Commission found reason to believe that the respondents in the above captioned matter had, respectively, violated 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A). As neither committee had requested pre-probable cause conciliation in their responses to the Commission's notice of its reason to believe determination, the General Counsel, on February 4, 1985, forwarded a Brief outlining the General Counsel's position on the factual and legal issues in this matter. Both respondents requested an extension of time in which to file Responsive Briefs; each was granted an additional ten days. The Riegle Committee Brief was timely received on March 12, 1985. Although the Paperworkers timely filed their responsive Brief on March 8, 1985 with the Office of the Commission Secretary, no copies, as contemplated by 11 C.F.R. § 111.16(c), were filed with the Office of General Counsel. Consequently, this Office was only made aware of the receipt of the Paperworkers Brief on April 11, 1985 after the General Counsel's Report, signed April 8, 1985, had

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been circulated; this Report was withdrawn from Commission circulation. The instant Report necessarily replaces the previously filed Report and analyzes the Paperworkers Responsive Brief.

II. LEGAL ANALYSIS (OF RESPONDENTS' BRIEFS)

A.) United Paperworkers International Union Political Education Program

(See OGC Brief of February 4, 1985) The General Counsel's position on the issues in this matter has not changed since the date of his Brief of February 4, 1985. The Paperworkers reiterate all of their previous arguments.

They explain that the $4,000 contribution which put their Committee over the limit of $5,000 for the primary election was received by the recipient on August 4, 1984, "the day after the primary election."1/

The Paperworkers explain, essentially, that no designation of their contribution existed until Mr. Glenn Goss, a Regional Director of the Paperworkers, spoke to a member of the Riegle campaign and orally agreed to a designation by the Riegle Committee of the contribution; and, that the Riegle respondents written designation of the contribution in accordance with the directions of Mr. Goss, which would have satisfied the Act's per

1/ In 1982, the Michigan Supreme Court, by Order on May 13, 1982, caused the date of the primary election to be changed from August 3, 1982 to August 10, 1982.

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election limitations, constituted the "initial designation of that contribution." The Paperworkers are apparently arguing that the Riegle Respondents' designation of the Paperworkers' contribution constitutes the required written designation of the Paperworkers' contribution. This argument is unavailing in light of the Commission's consistent interpretation of the present regulations.

Respondents infer from recently proposed revisions of 11 C.F.R. § 110 that under current regulations, a contemporaneous designation is not mandatory. The Commission has concluded that to be effective, designations of contributions under 11 C.F.R. § 110.1(a)(2) must be contemporaneously communicated in writing to the recipient. Further, the Commission concluded that the recipient can rely on the presumptions of Section 110.1 unless a contemporaneous designation altering the operation of the presumptions is communicated to the recipient in writing, in which case, the written designation will control. Respondents, therefore, draw the wrong inference from draft modifications of Section 110.

The Paperworkers admit that their undesignated $4,000 contribution was made prior to the Michigan primary election. They agree with the Riegle Respondents that they only granted oral permission to designate their contribution to the general election. In this situation, the Regulations set forth at 110.1(a)(2)(ii)(A) provide a mandatory designation of that

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contribution for the primary election. Therefore, the General Counsel recommends that the Commission find probable cause to believe that the United Paperworkers International Union Political Education Program, and George O'Bea as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

B.) Riegle for Senate Committee

(See OGC Brief of February 4, 1985) The General Counsel's position has not changed since the date of his Brief of February 4, 1985.

Respondent's Brief contends that the General Counsel's Brief is accurate on its face but presents an incomplete picture of the facts of this matter. The Office of General Counsel believes that the only alleged fact not previously expressly addressed by this Office is that "Senator Riegle had no opposition in his 1982 primary, and indeed barely one-third of the funds raised by the Riegle Committee before the primary was spent on the primary. The balance was spent on the general election." This asserted fact was presented to the Commission by respondents in their RTB response. The General Counsel believes that even if true, it makes no difference to the outcome of this matter. Senator Riegle was a candidate in the 1982 Michigan Primary and the November General Election. Irrespective of the Senator's opposition, the limits of 11 C.F.R. § 110.1 apply to the contributions received for those elections.

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Respondents contend that on the facts of this matter neither well reasoned law, nor policy, support a finding of probable cause. Respondents contend that the Federal Election Campaign Act is far from clear on the rule of law governing the proper allocation of general election contributions received before the primary election and that only through awareness of the Commission's enforcement policies could a candidate or committee know of the law's requirements in this area.2/ Respondents contend that the Act is silent on the treatment of pre-primary contributions for the general election while the Commission's regulations "provide for the receipt and proper allocation of general election contributions before the primary at 11 C.F.R. § 102.9(e) ...[which facially] ...authorize[s] the candidate to 'designate' or allocate pre-primary contributions to the general election limit...." (Respondents' Brief at 6-7). Respondents assert that they do not seek to challenge the Commission's enforcement of these provisions. Rather, they contend, the Commission must understand that their interpretation of theseprovisions is reasonable since, "the funds allocated to general election purposes were used for those purposes only, and ...the contributor was notified and approved of the

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2/ Respondents belatedly submitted an addendum to their Brief to demonstrate the "murky" nature of the law in this matter. They refer to Commissioner Harris' concurring opinion in Advisory Opinion 1985-5.

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allocation,...." They urge that their situation presents "no possible harm to any statutory objective" regarding contributions.

The General Counsel believes that the law is clear now and was clear at the time respondents received their contributions from the Paperworkers Committee. It is well settled that properly promulgated agency regulations have the force and effect of law.3/ The Commission's consistent enforcement of 11 C.F.R. §§ 110.1 and 102.9(e) is effectively acknowledged by Respondents. Section 110.1(a)(1) requires that no person "shall make contributions ... with respect to any [federal election] which exceed [in the case of a multicandidate committee] $5,000 per election." The phrase "with respect to any election" is defined, at 11 C.F.R. § 110.1(a)(2)(ii), to mean "[i]n the case of a contribution not designated in writing for a particular election, (A) [f]or a primary election ... if made on or before the date of the election ...."

Respondents emphasize that while the Riegle respondents say they sent a standard committee form to the Paperworkers Committee seeking permission to redesignate their excess, the then treasurer of the Paperworkers Committee has died and therefore,

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3/ Chrysler Corporation v. Brown, 441 U.S. 281, 295 (1979); Compare, United States v. Nixon, 418 U.S. 683, 695 (1974), citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954). ["So long as [a] regulation is extant it has the force of law."]

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no explanation as to whether or not the form was signed and returned can be made. Neither Committee is able to produce a signed form. Even if there were such a signed form, it could not have been sent contemporaneously with the Paperworkers' contribution. Respondents are correct that the Commission has determined that the writing required by 11 C.F.R. § 110.1 must be communicated contemporaneously with the contribution to be effective.

The General Counsel acknowledges that Respondents' reading of 11 C.F.R. § 102.9(e) is possible but believes it inconsistent with long standing interpretation of 11 C.F.R. § 110.1(a). This matter was discussed in connection with a Memorandum considered by the Commission on December 4, 1984 with regard to the application of 11 C.F.R. § 104.14(d) and 11 C.F.R. § 110.1(a). The Commission approved, with modification, the recommendations contained therein. As pointed out in that Memorandum (page 4, note 2), section 102.9(e) was inserted during the March 1980 amendments to the Commission's regulations and it appears that it was a drafting error to include the words "candidates may designate" in that section. That section was a successor to former 11 C.F.R. § 101.2(d) (1977) which provided:

> (d) If the candidate, or his or her authorized committee(s), receives contributions designated for the general election prior to the date of the primary election, the candidate, or his or her authorized committee(s) shall use an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election....

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The source regulation merely prescribed the separation of primary contributions from general contributions when contributors designated contributions during the primary period for the general election. The Commission has consistently so construed and enforced section 102.9(e). A reading of section 102.9(e) to freely allow designations by recipient candidates and committees would overturn the longstanding rule in section 110.1(a)(2) that only contributors may decide for what purpose their contribution is given; and if that decision is not communicated in writing, the regulations treat any such contributions as for the next occurring election.

III. **DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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IV. **RECOMMENDATION**

1. Find probable cause to believe that the Riegle for Senate Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f).

2. Find probable cause to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

3. Approve and send the attached, proposed conciliation agreements and letters.

4 May 1985
Date

Charles N. Steele
General Counsel

Attachments
Proposed Conciliation Agreements (2)
Proposed Letters (2)

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MICHIGAN DEPARTMENT OF STATE
RICHARD H. AUSTIN • SECRETARY OF STATE
LANSING, MICHIGAN 48918

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

Attn: Paul Reyes

MS—(ENV)—5 (5/83)

MICHIGAN DEPARTMENT OF STATE

RICHARD H. AUSTIN • SECRETARY OF STATE

MUTUAL BUILDING
208 N. CAPITOL AVENUE

LANSING
MICHIGAN 48918

June 11, 1982

TO ALL COUNTY CLERKS:

You are hereby notified that a General Primary Election will be held in all voting precincts of this state on Tuesday, August 10, 1982, at which time candidates of the Democratic, Republican and Anderson Coalition parties seeking nomination to the following offices are to be voted for in your county: Governor, United States Senator, Representatives in Congress, State Senators, State Representatives, County Commissioners and such other county and township offices that may by law be required to be nominated at this primary.

Also to be nominated are nonpartisan candidates for the offices of Judges of the Court of Appeals, Circuit Judges, District Judges, Probate Judges and such other candidates, both partisan and nonpartisan, as are or may be required by law to be nominated at this primary as well as any special questions which may be submitted.

You are also notified that delegates to the Democratic, Republican and Anderson Coalition County Conventions will be elected at the August 10, 1982 General Primary Election.

All clerks are reminded that Act 94 of the Public Acts of 1976 was struck down by the Michigan Supreme Court in a decision given in April of this year. The case involved was Socialist Workers Party v Secretary of State. In practical terms this means that no separate row or column will be provided on the primary partisan ballot for new parties and no minor party vignette or party name will appear on this ballot.

Notice of this election shall be sent to all local clerks as is provided in Section 168.652 of the Michigan Election Law.

Also find attached the Democratic, Republican and Anderson Coalition Party vignettes to be used in the forthcoming Primary Election.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Great Seal of the State, at Lansing, this 11th day of June in the year of our Lord, nineteen hundred eighty two.

Richard H. Austin, Secretary of State

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STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

STANLEY D. STEINBORN
Chief Assistant Attorney General

FILED
1982 MAY 17 AM 11: 10
DEPARTMENT OF STATE

Pub Federal Apportionment

FRANK J. KELLEY
ATTORNEY GENERAL

LANSING
48913

May 14, 1982

Honorable Stewart Newblatt
United States District Court
Eastern District of Michigan
Federal Building
600 Church Street
Flint, Michigan 48502

Re: Agerstrand, et al v Austin, et al
File No. 81-40256

Dear Judge Newblatt:

Please find attached an Order issued by the Michigan Supreme Court in In re Reapportionment of Michigan Legislature, which changes the filing and primary dates for both the Michigan legislative and the Michigan congressional elections.

The new filing date is now June 15, 1982 and the primary will be held on August 10, 1982.

I am, by copy of this letter, advising all parties to the instant matter of the Supreme Court's action.

Very truly yours,

FRANK J. KELLEY
Attorney General

Gary P. Gordon
Assistant Attorney General

GPG/jad
Attachment
cc: Honorable Damon Keith
Honorable Philip Pratt
All Counsel of Record

bcc: Chris Thomas

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IT IS FURTHER ORDERED: that the date for the filing of nominating petitions or payment of filing fees for the office of state senator and state representative, and for the filing of nominating petitions for the office of representative in congress, and for these offices only, shall be extended until June 15, 1982, at 4:00 p.m.;

That the date for the filing of nominating petitions for the office of delegate to the county convention shall be extended until June 8, 1982, at 4:00 p.m..

That the date for the withdrawal of a candidate who has filed nominating petitions or filing fees for an office to be nominated at the 1982 primary election shall be extended until June 18, 1982, at 4:00 p.m.;

That the primary election for the year 1982 only shall be held on August 10, 1982; that any reference to the date of the primary election in nominating petitions heretofore or hereafter filed or circulated or in affidavits of identity or affidavits of candidacy heretofore or hereafter filed shall be construed to mean the primary election to be held August 10, 1982;

That the Secretary of State may authorize, upon written request by a city of township election commission, a division of a precinct which contains portions of more than one elective district for an office appearing on the ballot until May 28, 1982; that the chairman of a county political committee who has previously apportioned the number of delegates to the county convention for precincts as they existed on May 5, 1982, may make such changes as are necessary by the division of precincts authorized in this order using the same formula that was used in the original apportionment, and that all changes shall be delivered to the county election commission by 4:00 p.m., June 1, 1982;

That any person who has heretofore filed petitions containing the required number of signatures for election as delegate to the county convention from a precinct, and that precinct has been changed pursuant to this Order shall be placed on the ballot as a candidate for precinct delegate to the county convention from the precinct in which he resides.

We retain jurisdiction.

Moody, J., dissents and will supply a statement with the final order of the Court.

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STATE OF MICHIGAN — ss.

I, Harold Hoag, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that it is a true transcript therefrom, and the whole of said original order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Supreme Court at Lansing, this 13th day of May in the year of our Lord one thousand nine hundred and eighty two.

Harold Hoag Clerk.

AT A SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, HELD AT THE CAPITOL IN THE CITY OF LANSING, ON THE 13th DAY OF MAY IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY TWO.

Present the Honorable

MARY S. COLEMAN,
Chief Justice,

THOMAS GILES KAVANAGH,
G. MENNEN WILLIAMS,
CHARLES L. LEVIN,
JOHN W. FITZGERALD,
JAMES L. RYAN,
BLAIR MOODY, JR.,
Associate Justices

In Re APPORTIONMENT OF STATE LEGISLATURE -- 1982

68777

In this matter the Court's opinion was issued and the judgment order thereon entered on March 25, 1982. The Court's judgment order provided, inter alia, that the Legislature could, by a statute with immediate effect, which was approved by the Governor on or before May 4, 1982, redistrict and reapportion the Legislature in a manner consistent with federal and state constitutional requirements. No statute was enacted.

NOW THEREFORE, plans for the redistricting and reapportionment of the Michigan Legislature, drawn under the supervision of Bernard J. Apol, former director of elections, having been submitted to the Court for approval on April 27, 1982 for the Senate and on April 29, 1982 for the House of Representatives, and a public hearing, open to all interested persons, having been held on May 5, 1982, on the question of whether said plans adhered to the rules and standards set forth in this Court's opinion, all as provided for in this Court's judgment order, this Court directed Bernard J. Apol to reconsider the plans submitted by him on April 27 and 29, particularly in light of the comments made at the public hearing on May 5, 1982, and the written materials submitted in lieu of or in support of oral presentations, and upon such reconsideration to recommend to the Court any and all modifications to the plans submitted by him on April 27 and 29, which he considered would make the said plans more compliant with the rules and standards set forth in the Court's opinion.

Several modifications having been recommended by Bernard J. Apol and considered by the Court, he was directed to prepare them in proper form for inclusion by substitution in the plans submitted for approval on April 27 and 29. Having received those modifications in appropriate form on May 12, 1982,
IT IS HEREBY FURTHER ORDERED (1) that the Clerk of this Court shall treat those modifications as any ordinary public record and make their contents accessible to any and all interested persons; (2) that any and all interested persons may file with the Clerk, until 12:00 noon May 19, 1982, written arguments (a signed original and 8 copies) attempting to show that the modifications should not be accepted on the ground that they do not cause the plans submitted on April 27 and 29 to be more compliant with the rules and standards set forth in this Court's opinion.

After considering all written submissions filed with the Clerk pursuant to this order, and in all events by 12:00 noon May 21, 1982, this Court will cause to be delivered to the office of the Secretary of State, an order directing that he publish as provided by law, and hold the legislative elections for this year in accordance with, the plans submitted to this Court by Bernard J. Apol on April 27 and 29, 1982 as amended by the modifications thereto submitted to this Court by him on May 12, 1982. If the Court is persuaded by submissions filed pursuant to this order that any of the modifications submitted to this Court by Bernard J. Apol on May 12, 1982 should not be implemented, the order to be issued by 12:00 noon May 21, 1982 will so indicate.

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LCC# 6877

AUTHORIZATION OF COUNSEL

On behalf of the Riegle for Senate in '82 Committee and its Treasurer, I authorize Robert F. Bauer of Perkins Coie to represent these respondents in Matter Under Review 1648. Mr. Bauer is authorized to make and receive all communications to and from the Federal Election Commission in this matter.

Mr. Bauer's address and telephone number are:

Robert F. Bauer, Esq.
Perkins Coie
1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005
(202) 887-9030

Donald W. Riegle, Jr.
United States Senator

Date: March 12, 1985

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Riegle for Senate in '82 Committee;	)	MUR 1648
M. P. Patten, Treasurer	)	
	)	

BRIEF OF RIEGLE FOR SENATE IN '82 (AND TREASURER)

I. INTRODUCTION

This is a matter which, by all reason, need not be before the Commission. The file should have been closed some time ago, with all parties agreeing either that (1) no violation occurred, or (2) that any arguable "violation" could be supported only by strained legal argument and poor enforcement policy. Yet the General Counsel has troubled to recommend "probable cause" and to carry the matter further. It is therefore necessary to file this response in the hope the matter can be finally resolved.

II. THE FACTS

The brief filed by the General Counsel in support of his position is accurate on the facts so far as presented--but their presentation is incomplete. These are the salient facts, all on the undisputed record:

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(1) The United Paperworkers International Union/Political Education Program (the "Paperworkers Committee") supported Senator Don Riegle's primary and general election campaigns for reelection to the United States Senate in 1982. The Paperworkers Committee, as a multicandidate committee, contributed an aggregate total of $2,000 to the Riegle for Senate in '82 ("the Riegle Committee") primary campaign through April 23, 1982.

(2) On July 28, 1982, only two weeks before the primary election of August 10, the Paperworkers Committee made an additional contribution of $4,000 to the Riegle Committee. Together with previous contributions made in this pre-primary period (before August 10), the Paperworkers Committee appeared to the Riegle Committee to have contributed $1,000 in excess of the lawful primary election limit, or a total of $6,000.

(3) As the Riegle Committee stated in its earlier letter on this subject (August 30, 1984), the apparent receipt of funds in excess of primary election limits triggered a standard committee policy--to "communicate orally with the contributing party to notify them [of the receipt of excess funds]" and to seek both oral and written approval to allocate the excess to the general election limitation. Written approval was sought through the submission of a standard authorization form.

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(4) The Riegle Committee sought and received oral permission for the reallocation to the general election limit and forwarded to the Paperworkers Committee's Treasurer, Nicholas Vrataric, a reallocation authorization form for his execution.

(5) The Riegle Committee properly and timely reported the $4,000 contribution as allocated $3,000 to the primary election campaign and $1,000 to the general election campaign.

(6) The Riegle Committee has no record of receiving the duly-executed authorization form. Mr. Vrataric died in December 1983 and cannot now assist the Commission or the Riegle Committee in locating that form.

(7) Notwithstanding the death of Mr. Vrataric, the Paperworkers Committee has presented the Commission with an affidavit from Vice President/Area Director Glenn Goss, who advises that he was responsible for the execution and mailing of the $4,000 check in question. That Mr. Goss is the responsible party is borne out by his submission of the transmittal letter, signed by Mr. Goss, which accompanied this check.

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(8) Mr. Goss testifies, in a sworn affidavit, that he did receive a telephone call from a representative of the Riegle Committee who advised that the $4,000 contribution appeared to exceed primary election limits. This same Riegle Committee representative asked that the excess be authorized by the Paperworkers Committee for reallocation to the Riegle campaign general election. Mr. Goss agreed.

(9) All of the foregoing must be considered in the context that Senator Riegle had no opposition in his 1982 primary, and indeed barely one-third of the funds raised by the Riegle Committee before the primary was spent on the primary. The balance was spent on the contested general election.

These facts in the record of this case show, without contradiction, the following:

- That the Riegle Committee quickly identified the apparently excessive contribution of July 28, 1984;

- That standing Riegle Committee procedures were employed to bring the matter to the attention of the Paperworkers Committee;

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- That the Paperworkers Committee was solicited for oral and written permission to allocate the excess to the general election;

- That oral permission was received;

- That a confirming written authorization may or may not have been executed and/or mailed, but that a now deceased Paperworkers Committee treasurer can no longer explain the failure to execute and/or mail;

- That in any event, there is hardly any threat here that the Riegle Committee effectively violated primary election limits, much less intended to do so, because Senator Riegle was unopposed in the primary and his committee spent only one-third of the funds raised in the pre-primary period on the primary election.

It is in this context that the General Counsel recommends "probable cause" and would force the Riegle Committee into "negotiation" with the Commission over a "settlement."

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III. THE COMMISSION SHOULD DISMISS THIS ACTION AND CLOSE THE FILE

Neither well-reasoned law nor sound policy supports a Commission vote of "probable cause." The General Counsel's Brief is hopelessly weak on the law and understandably silent on the policy.

A. Legal Considerations

It has been noted by the Commission before, but bears repetition here, that the Federal Election Campaign Act ("FECA") is far from clear on the rule of law governing the proper allocation of general election contributions received before the primary. While the Commission's regulations address the issue, a candidate or committee must, in fact, be aware of the Commission's enforcement policy to determine the current state of the law in this area. The Riegle Committee has not reviewed the question here with any intention of changing the Commission's enforcement posture on this point. Rather, the Commission is faced in this matter with the fundamental exercise of enforcement discretion which can only be properly judged in light of the hazy law of the case.

The FECA is silent as to the treatment of pre-primary contributions received for the general election. Commission regulations, on the other hand, provide for the

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receipt and proper allocation of general election contributions received before the primary at 11 C.F.R. § 102.9(e). On their face, these regulations authorize the candidate "or his or her authorized committee(s)" to "designate" or allocate pre-primary contributions to the general election limit. The regulations do not require authorization for this purpose, oral or written, from the contributor of the funds so allocated.

B. Policy Considerations

In an attempt to reconcile Section 102.9(e) with the contribution designation provisions of Part 110, see 11 C.F.R. §§ 110.1(a)(2)(i), (ii), the Commission has chosen as a matter of enforcement policy to require written, contemporaneous contributor authorization to allocate pre-primary contributions to a candidate's general election limit. While Section 102.9(e) has not been conformed to reflect this Commission policy, the Riegle Committee does not seek here to challenge that decision per se. The Committee does, however, wish to stress the implications of this confused legal setting for the resolution of this matter.

First, the Commission may well stand by its policy, but it must recognize that an alternative choice--to interpret Section 102.9(e) as written--would have been equally reasonable. So long as the receiving committee could show that

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the funds allocated to general election purposes were used for those purposes only, and so long as the contributor was notified and approved of the allocation, there would be no harm to the integrity of the contribution limitations. This is precisely the case here.

Second, even if the Commission insists on written contributor authorization contrary to the terms of Section 102.9(e), this policy should be applied with some measure of discretion, i.e., only where the application of this policy appears urgently required by the facts of a particular case. Discretion in the application of this policy is surely appropriate where the policy is not consistent with regulations as currently written and where fairness to parties dictates that this inconsistency be acknowledged until the Commission has taken the trouble to eliminate it. Here, on the simple facts presented, there is no basis for the application of this informal policy to a set of facts which raise no possible harm to any statutory objectives--not contributor notification (which was clearly given), nor the contribution limitations (the integrity of which was in no way harmed).

Finally, irrespective of the conflict between the plain wording of Section 102.9(e) and the Commission's interpretation of same, some measure of discretion and sound

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enforcement policy should always be applied by the Commission to the determination of which matters should be pursued and which should not. As stated above, none of the events in the record of this case appear remotely threatening to any discernible statutory objective. Even if the law surrounding this matter were not confused, what reason would the Commission have to require further government and committee time in such circumstances?

IV. CONCLUSION

The Riegle Committee, on its own behalf and on behalf of its Treasurer, herewith urges the Commission to reject the recommendation of the General Counsel and to find no probable cause to continue this matter.

Respectfully submitted,

Robert F. Bauer
Counsel for Riegle for Senate in '82 Committee and M. P. Patton, Treasurer

March 12, 1985

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Mr. Paul Reyes
Federal Election Commission
1325 K Street
7th Floor

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MWD

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

MEMORANDUM TO: THE COMMISSIONERS
THE STAFF DIRECTOR
THE ASST. STAFF DIRECTOR, REPORTS ANALYSIS
THE ASST. STAFF DIRECTOR, AUDIT

FROM: MARJORIE W. EMMONS/JODY C. RANSOM JCR

DATE: MARCH 11, 1985

SUBJECT: RESPONDENT'S BRIEF - MUR 1648

The attached brief is circulated for your information.

Attachment:

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RECEIVED AT THE FEC
HAND DELIVERED

UNITED PAPERWORKERS INTERNATIONAL UNION

WAYNE E. GLENN
President

LEGAL DEPARTMENT
LYNN AGEE, Esq.
MICHAEL HAMILTON, Esq.
MELINDA J. BRANSCOMB, Esq.
MARK M. BROOKS, Esq.

March 7, 1985

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

MAR 8 AM 11:29
FEC

VIA FEDERAL EXPRESS

Re: United Paperworkers International Union Political Education Program
MUR 1648

Dear Sir/Madam:

Enclosed herewith for filing is the original and nine (9) copies of the UPIU Political Education Program's Reply Brief in the above referenced matter.

Thank you for your consideration.

Sincerely,

Michael Hamilton

Michael Hamilton

MH:sq

Enclosures

cc (w/enc): Peggy McCormick, AFL-CIO
George O'Bea, PEP Director
Glenn Goss, Vice President, UPIU Region IX

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INTERNATIONAL HEADQUARTERS: P. O. BOX 1475 • NASHVILLE, TENNESSEE 37202 • TELEPHONE (615) 834-8590

BEFORE THE FEDERAL ELECTION COMMISSION

IN THE MATTER OF:

UNITED PAPERWORKERS INTERNATIONAL
UNION POLITICAL EDUCATION PROGRAM, MUR 1648
George O'Bea, Treasurer

REPLY BRIEF OF UNITED PAPERWORKERS INTERNATIONAL
UNION POLITICAL EDUCATON PROGRAM

I. PRELIMINARY STATEMENT

On March 18, 1984, James Edward Antosh filed a complaint with the Federal Election Commission alleging that the United Paperworkers International Union Political Education Program and Nicholas Vrataric,[1] Treasurer, (hereinafter "UPIU-PEP") violated 2 U.S.C. §441(a)(2)(A) by making contributions in excess of the limit to the Riegle for Senate in '82 Committee and M.P. Patton, Treasurer (hereinafter "Riegle Respondents").

UPIU-PEP responded to the complaint asserting that since it gave permission to the Riegle Respondents to allocate the allegedly excessive contribution partly for the primary election and partly for the general election, filed an amended

[1]Nicholas Vrataric, former Treasurer of the UPIU-PEP, is now deceased. The Commission has substituted Vrataric's successor, George O'Bea, as Respondent herein.

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report with proper designations with the Commission and implemented procedures which would prevent errors in designation in the future, no further action should be taken with regard to the matter under review.

The Commission found on August 14, 1984 that there was reason to believe that the UPIU-PEP violated the Act by making an excessive contribution to the Riegle Respondents.

In response to the Commission's determination, UPIU-PEP reasserted all their previous contentions and explained that oral permission was in fact given to the Riegle Respondents to allocate a part of UPIU-PEP's $4,000 contribution of July 28, 1982 to the primary election and a part to the general election.

The Office of the General Counsel is now urging the Commission to find probable cause to believe that UPIU-PEP violated the Act by making an excessive contribution to the Riegle Respondents' primary election campaign. For reasons set forth below, no further action should be taken on this matter.

II. STATEMENT OF FACTS

At all times material to this matter under review, Nicholas Vrataric was Treasurer of the United Paperworkers International Union Political Education Program. However, Vrataric died on December 8, 1983.

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During the period relevant to this complaint, UPIU-PEP made three contributions to the Riegle Respondents. The amounts of the contributions and the dates they were sent to the Riegle Respondents are set forth below:

8/31/81	$1,000
4/13/82	$1,000
7/28/82	$4,000

The $4,000 contribution was not received by the Riegle Respondents until August 4, 1982, the day after the federal primary election. The Riegle Respondents' allocated $3,000 to the primary, and $1,000 to the general election. While UPIU-PEP inadvertently failed to designate how the $4,000 contribution was intended to be allocated in the quarterly report to the Commission and in the cover letter to the Riegle Respondents, it is clear that UPIU-PEP intended for the Riegle Respondents to allocate the contribution in exactly the manner in which they did.

It is undisputed that in circumstances where it appeared to the Riegle Respondents that a primary contribution would exceed the allowable limit, the Riegle Respondents would contact the contributor to secure the contributor's permission to allocate a portion of the contribution to the general election. That the Riegle Respondents' report reflects such an allocation is alone sufficient basis to infer that they received permission from the Union to make such an allocation.

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However, UPIU-PEP submitted an affidavit from Vice President/ Area Director Glenn Goss, whose jurisdiction with United Paperworkers International Union extends over the State of Michigan, which indicates that shortly after he transmitted the $4,000 contribution to the Riegle Respondents, he was contacted by the Riegle Respondents who requested and received permission to allocate a portion of the $4,000 contribution to the general election.

Subsequently, in order to rectify Vrataric's inadvertent failure to designate on the quarterly report to the Commission which portion of the $4,000 contribution was intended for the primary and the general elections respectively, UPIU-PEP submitted an amended report which reflects the intended and actual allocation of the $4,000 contribution. Further, since March, 1983, Vrataric's successor, Mr. George O'Bea, has initiated procedures which assure that proper designations are always made in both the quarterly reports and in cover letters to the receiving committees.

III. LEGAL POSITION

The General Counsel predicates its allegation that UPIU-PEP violated the Act on its failure to make a contemporaneous written designation of the July 28, 1982 $4,000 contribution. However, 11 CFR §110 is conspicuously absent of any requirement that the contributing party make a "contempor-

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aneous" written designation of its contribution for any particular election. The regulation simply provides that where the contribution is not designated in writing for a particular election, it will be considered as made for the primary election if made prior to the date of the primary election, and for the general election if made after the date of the primary election. Indeed, draft modifications of 11 CFR §110 which are currently under consideration would disallow the practice of making non-contemporaneous designations of contributions. This strongly implies that under the current regulations, contemporaneous designation is not mandatory.

UPIU-PEP made a written designation to the Commission of the contribution, albeit through an amended report to the Commission subsequent to the filing of the instant complaint. However, the Riegle Respondents did made a contemporaneous written designation of the contribution based on its oral communications with Vice President/Area Director Glenn Goss, the person who transmitted contribution to the Riegle Respondents.

Contrary to the assertion of the General Counsel, Goss' communication with the Riegle Respondents shortly after their receipt of the contribution, in which he granted them permission to allocate the contribution in such a way as not to violate provisions of the Act, was not a redesignation of UPIU-PEP's contribution. Rather, up until that communication,

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no designation had been made of the contribution. Thus, Goss' communication with the Riegle Respondents and their contemporaneous written allocation to the contribution constituted the initial designation of that contribution. UPIU-PEP's initial failure to designate the contribution in writing is merely an inadvertent technical error which does not warrant further pursuit of this matter.

Inasmuch as UPIU-PEP filed a written amended report to the Commission designating the allocation of the contribution; the Riegle Respondents properly allocated the contribution in accordance with the oral communication of Glenn Goss which satisfied the Act's contribution limitations; and UPIU-PEP has implemented procedures which will assure proper designation in reports and cover letters in the future, further action on this matter would be punitive in nature and thus contrary to the corrective intent of the Act.

IV. CONCLUSION

For the foregoing reasons, the Commission should take no further action on this matter.

Respectfully submitted,

MICHAEL HAMILTON, Esq.
3340 Perimeter Hill, P.O. Box 1475
Nashville, Tennessee 37202
(615) 834-8590

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GCC #6945
Reyes

PERKINS, COIE, STONE, OLSEN & WILLIAMS

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March 20, 1985

RECEIVED
85 MAR 21 A10:23
GENERAL COUNSEL

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

Re: MUR 1648

Dear Sirs and Madams:

On March 12, 1985, the respondents in this matter filed a brief in response to the brief of the General Counsel who is recommending that the Commission find "probable cause" that a violation of the Act has occurred.

In the Riegle responsive brief, it was stressed that the law governing the allocation of contributions to specific elections, for purposes of computing the lawful limits, was far from clear or settled. This confused state of the law included a clear conflict between the text of current Commission regulations (11 C.F.R. § 102.9(e)) and the Commission's own policies in enforcement matters which it was only now seeking to cast into regulatory form in a proposed rulemaking. The Riegle respondents emphasized that they were not contesting in the current MUR the merits of the Commission's policy; rather the point was that the confusion and conflict in the law should have been taken into consideration by the Commission in determining whether to exercise its discretion to find "probable cause" in connection with the violation alleged here.

To underscore the general point, the Riegle respondents wish to note, for the record, the concurring opinion of Commissioner Harris in Advisory Opinion 1985-5 which refers generally to the murky state of the law with respect to the attribution of contributions to particular elections. The Riegle respondents have attached a copy of the Harris

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opinion and submit it here, as part of the record, as additional material which, while not directly on point, serves to highlight the difficulties confronted by candidates and committees in this area.

Respectfully submitted,

Robert F. Bauer

RFB/taw
Enclosure

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEC
SECRETARY
85 MAR 7 P4:05

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CONCURRING OPINION

OF

COMMISSIONER THOMAS E. HARRIS

RE

ADVISORY OPINION 1985-5

I concur with the result of Advisory Opinion 1985-5 because of the precedent set in Advisory Opinion 1977-24, 1 Fed. Election Camp. Fin. Guide (CCH), para. 5260 (June 28, 1977). There the Commission quite clearly attributed a contribution received after a candidate's general election to a future primary election, unless a general election debt existed.

I do have concerns about an approach that focuses on the date of receiving rather than the date of making the contribution, and I believe that the issues raised by the advisory opinion request warrant further explication. The impact of the ruling is that a contributor that intended to make a $4,800 contribution for the 1984 general election, and that fully relinquished control over the contribution before the election, is deprived of the right to make more than a $200 contribution to the same candidate should he run in a future election. This is a harsh rule that might contravene the contributor's intent. Moreover, the opinion places the burden upon contributors to insure that their contributions are not only made before the general election, but received before as well. With the uncertainty of mail delivery, and even courier delivery at times, some persons may even be dissuaded from contributing in the last few days before the election because their contribution is likely to restrict their options in a future election.

The Commission's regulations would lead one to believe that the date a contribution is made is the date the Commission would use to determine the election to which a contribution is attributed. At 11 C.F.R. §110.1(a)(2) the Commission has provided:

> "With respect to any election" means-
> (i) In the case of a contribution designated in writing for a particular election, the election so designated, except that a contribution made after a primary election, caucus or convention, and designated for the primary election, caucus or convention shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election, caucus or convention.
> (ii) In the case of a contribution not designated in writing for a particular election,
> (A) For a primary election caucus or convention, if made on or before the date of the election, caucus or convention, or
> (B) For a general election if made after the date of the primary election [emphasis added].

Regarding undesignated contributions for the primary, the Commission plainly chose not to define them as contributions received on or before the date of the primary election.2/

2/A subtlety not addressed by the opinion approved by the Commission concerns the difference between designated and undesignated contributions. One could easily argue that the regulations mandate that a contribution designated in writing for a general election must be attributed to that election regardless of when made or received and regardless of whether there is debt outstanding. Unlike the situation involving a contribution designated for a primary and made after such primary, there is no requirement in the regulation that a net debt must exist in order to attribute to the general election a contribution designated for the general but made afterward. The Commission's earlier advisory opinions seem to have asserted such a requirement, however. See Advisory Opinion 1977-24, supra, and Advisory Opinion 1978-37, 1 Fed. Election Camp. Fin. Guide (CCH), para. 5335 (Aug. 28, 1978). Nonetheless, even assuming such a requirement regarding designated contributions made after the general, one would be hard-pressed to explain why a designated contribution made before the general election is not mandated by the regulation to be treated as for that election.

The requestor here did not indicate whether the $4,800 contribution was designated in writing for the general election at the time it was made. The Commission's opinion does not dwell on this distinction at all.

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would lead one to believe that for purposes of determining whether a committee may retain a contribution it has received, the date it was made would govern.

There have been efforts to suggest that a contribution is not made until it is received. In United States v. Hankin, 2 Fed. Election Camp. Fin. Guide (CCH), para. 9102 (3rd Cir. 1979), the government argued that an individual's illegal contribution was not made, i.e., completed, until received by the presidential committee involved and that the statute of limitations therefore had not run. The court ultimately did not rule on that question, saying: "It is unnecessary for us to decide whether the crime was completed on the date of mailing or on the date of receipt by the Committee because the only act which the Government proved occurred after [the last date outside the statutue of limitations] was the deposit of the checks." Id. The court said, however, "We hold that the statute of limitations began to run when the contributions were made which, in this instance, was prior to the date of the Committee's deposit." Id. The latter quote certainly suggests the court would have ruled that the making of a contribution is not dependent upon when it was received, but one can only surmise. In any event, the decision does not support the view that a contribution is made only when it is received.

I point out the foregoing only to demonstrate that the position the Commission reaffirmed in its opinion herein is not without imperfection. The contributing committee and the recipient committee involved may find it troubling to treat a contribution made before but received after the 1984 general election as though it were for a hypothetical 1986 campaign. However, rather than suddenly reversing the course taken since 1977 in the context of this advisory opinion, the most prudent course for resolving these issues is through a rulemaking proceeding. Because such a proceeding is underway, see footnote 1 supra, I am hopeful that the concerns I have will be resolved soon.

Thomas E. Harris
Thomas E. Harris

3-6-85
Date

8504054379 7

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: April 11, 1985

SUBJECT: MUR 1648 - Memorandum to the Commission

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

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CIRCULATIONS		DISTRIBUTION	
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Non-Sensitive	[ ]	Advisory Opinions	[ ]
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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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85 APR 11 P2:57

April 11, 1985

MEMORANDUM

TO: The Commission

SENSITIVE

FROM: Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

SUBJECT: Withdrawl of General Counsel's Report
MUR 1648
Riegle for Senate
United Paperworkers International Union
Political Education Program

The Responsive Brief filed by the United Paperworkers International Union Political Education Program ("Paperworkers") with the Commission Secretary on March 8, 1985, was not filed with the Office of General Counsel as contemplated by 11 C.F.R. § 111.16(c). Consequently, we were unaware that such a Brief was filed, and, thus we are withdrawing the General Counsel's Report signed April 8, 1985. That Report recommended probable cause against the Paperworkers Committee in the mistaken belief that they had not filed a Responsive Brief. This Report will be recirculated to the Commission following review and analysis of the Paperworkers Brief by this Office.

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W/D by OGC 4/11/85

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: April 9, 1985

SUBJECT: MUR 1648 - General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of April 16, 1985

Open Session _____

Closed Session XX

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Sensitive	[ ]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
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BEFORE THE FEDERAL ELECTION COMMISSION

85 APR 9 A9:21

In the Matter of	)	
	)	
Riegle for Senate Committee	)	MUR 1648
M.P. Patten, Treasurer	)	
	)	
United Paperworkers International Union Political Education Program	)	EXECUTIVE SESSION
George O'Bea, Treasurer	)	APR 16 1985

GENERAL COUNSEL'S REPORT

I. **BACKGROUND**

Based on a complaint filed and respondents' responses thereto, the Commission found, on August 14, 1984, reason to believe that the respondents in the above captioned matter had, respectively, violated 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A). As neither committee had requested pre-probable cause conciliation in their responses to the Commission's notice of its reason to believe determination, the General Counsel, on February 4, 1985, forwarded a Brief outlining the General Counsel's position on the factual and legal issues in this matter. Both respondents requested an extension of time in which to file Responsive Briefs; each was granted an additional ten days. The Riegle Committee Brief was timely received on March 12, 1985. No responsive brief has been received from the Paperworkers Committee.

II. **LEGAL ANALYSIS (OF RESPONDENTS' BRIEFS)**

a.) United Paperworkers International Union Political Education Program

(See OGC Brief of February 4, 1985) The General Counsel's position on the issues in this matter has not changed since the date of his Brief of February 4, 1985. The Paperworkers

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Committee has not responded to the General Counsel's Brief. Therefore, the General Counsel recommends that the Commission find probable cause to believe that the United Paperworkers International Union Political Education Program, and George O'Bea as treasurer, violated 2 U.S.C. §441a(a)(2)(A).

b.) Riegle for Senate Committee

(See OGC Brief of February 4, 1985) The General Counsel's position has not changed since the date of his Brief of February 4, 1985.

Respondent's Brief contends that the General Counsel's Brief is accurate on its face but presents an incomplete picture of the facts of this matter. The Office of General Counsel believes that the only alleged fact not previously expressly addressed by this Office is that "Senator Riegle had no opposition in his 1982 primary, and indeed barely one-third of the funds raised by the Riegle Committee before the primary was spent on the primary. The balance was spent on the general election." This asserted fact was presented to the Commission by respondents in their RTB response. The General Counsel believes that even if true, it makes no difference to the outcome of this matter. Senator Riegle was a candidate in the 1982 Michigan Primary and the November General Election. Irrespective of the Senator's opposition, the limits of 11 C.F.R. § 110.1 apply to the contributions received for those elections.

Respondents contend that on the facts of this matter neither well reasoned law, nor policy, support a finding of probable

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cause. Respondents contend that the Federal Election Campaign Act is far from clear on the rule of law governing the proper allocation of general election contributions received before the primary election and that only through awareness of the Commission's enforcement policies could a candidate or committee know of the law's requirements in this area.1/ Respondents contend that the Act is silent on the treatment of pre-primary contributions for the general election while the Commission's regulations "provide for the receipt and proper allocation of general election contributions before the primary at 11 C.F.R. § 102.9(e) ...[which facially] ...authorize[s] the candidate to 'designate' or allocate pre-primary contributions to the general election limit...." (Respondents' Brief at 6-7). Respondents assert that they do not seek to challenge the Commission's enforcement of these provisions. Rather, they contend, the Commission must understand that their interpretation of these provisions is reasonable since, "the funds allocated to general election purposes were used for those purposes only, and ...the contributor was notified and approved of the allocation,...." They urge that their situation presents "no possible harm to any statutory objective" regarding contributions.

1/ Respondents belatedly submitted an addendum to their Brief to demonstrate the "murky" nature of the law in this matter. They refer to Commissioner Harris' concurring opinion in Advisory Opinion 1985-5.

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The General Counsel believes that the law is clear now and was clear at the time respondents received their contributions from the Paperworkers Committee. It is well settled that properly promulgated agency regulations have the force and effect of law.2/ The Commission's consistent enforcement of 11 C.F.R. §§ 110.1 and 102.9(e) is effectively acknowledged by Respondents. Section 110.1(a)(1) requires that no person "shall make contributions ... with respect to any [federal election] which exceed [in the case of a multicandidate committee] $5,000 per election." The phrase "with respect to any election" is defined, at 11 C.F.R. § 110.1(a)(2)(ii), to mean "[i]n the case of a contribution not designated in writing for a particular election, (A) [f]or a primary election ... if made on or before the date of the election ...."

Respondents emphasize that while the Riegle respondents say they sent a standard committee form to the Paperworkers Committee seeking permission to redesignate their excess, the then treasurer of the Paperworkers Committee has died and cannot, therefore, explain whether or not the form was signed and returned. Neither Committee is able to produce a signed form and in any event it was not sent contemporaneously with the Paperworkers' contribution. Respondents are correct that the Commission has determined that the writing required by

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2/ Chrysler Corporation v. Brown, 441 U.S. 281, 295 (1979); Compare, United States v. Nixon, 418 U.S. 683, 695 (1974), citing United States ex rel. Accardi v. Shaughnessy, 347 U.S. 260 (1954). ["So long as [a] regulation is extant it has the force of law."]

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11 C.F.R. § 110.1 must be communicated contemporaneously with the contribution to be effective.

The General Counsel acknowledges that Respondents' reading of 11 C.F.R. § 102.9(e) is possible but believes it inconsistent with longstanding interpretation of 11 C.F.R. § 110.1(a). This matter was discussed in connection with a Memorandum considered by the Commission on December 4, 1984, with regard to the application of 11 C.F.R. § 104.14(d) and 11 C.F.R. § 110.1(a). As pointed out in that Memorandum (page 4, note 2), section 102.9(e) was inserted during the March 1980 amendments to the Commission's regulations and it appears that it was a drafting error to include the words "candidates may designate" in that section. That section was a successor to former 11 C.F.R. § 101.2(d) (1977) which provided:

> (d) If the candidate, or his or her authorized committee(s), receives contributions designated for the general election prior to the date of the primary election, the candidate, or his or her authorized committee(s) shall use an acceptable accounting method to distinguish between contributions received for the primary election and contributions received for the general election....

The source regulation merely prescribed the separation of primary contributions from general contributions when contributors designated contributions during the primary period for the general election. The Commission has consistently so construed and enforced section 102.9(e). A reading of section 102.9(e) to freely allow designations by recipient candidates and commitees would overturn the longstanding rule in section

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110.1(a)(2) that only contributors may decide for what purpose their contribution is given; and if that decision is not communicated in writing, the regulations treat any such contributions as for the next occurring election.

III. **DISCUSSION OF CONCILIATION AND CIVIL PENALTY**

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IV. **RECOMMENDATION**

1. Find probable cause to believe that the Riegle for Senate Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f).

2. Find probable cause to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).

3. Approve and send the attached, proposed conciliation agreements and letters.

8 April 1985
Date

Charles N. Steele
General Counsel

Attachments
Proposed Conciliation Agreements (2)
Proposed Letters (2)

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 27, 1985

Michael Hamilton, Esquire
United Paperworkers International
Union
P.O. Box 1475
Nashville, Tennessee 37202

Re: MUR 1648
UPIU Political Education
Program
George O' Bea, Treasurer

Dear Mr. Hamilton:

This is in reference to your letter dated February 19, 1985, which was received at the Commission on February 25, 1985, requesting an extension of twenty days in which to respond to the General Counsel's Brief sent to you on February 4, 1985. We also acknowledge your telephone conversation with Paul Reyes, the staff member assigned to this matter, on February 26, 1985, concerning the grounds for your requested extension. We understand that you received the Brief in this matter on February 11, 1985.

Considering the Commission's responsibilities under the Federal Election Campaign Act of 1971, as amended, and the circumstances of this matter, this Office cannot agree to your request. Your request for an extension will be granted only until March 8, 1985, a period of ten additional days.

If you have any questions, please contact Paul Reyes at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 26, 1985

M.P. Patten, Treasurer
Riegle for Senate Committee
2700 Lahaser Road
Southfield, Michigan 48076

RE: MUR 1648
Riegle for Senate Committee
M.P. Patten, Treasurer

Dear Mr. Patten:

This is in reference to your letter dated February 19, 1985, requesting an extension of twenty days, until March 22, 1985, to respond to the General Counsel's Brief sent to you on February 4, 1985.

Considering the Commission's responsibilities under the Federal Election Campaign Act of 1971, as amended, and the circumstances of this matter, this Office cannot agree to your request. Your request for an extension will be granted only until March 12, 1985, a period of ten additional days.

If you have any questions, please contact Paul Reyes, the staff member handling this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

cc: Senator Donald Riegle; Attn: Kevin Gottlieb

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Riegle for Senate Committee

HAND DELIVERED

85 FEB 19 A10:30

February 19, 1985

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

To whom it may concern:

This letter constitutes our written request for a 20 day extension period in response to MUR 1648.

I was out of town and did not receive the General Counsel's recommendation of February 4 until February 15.

Thank you for your consideration.

Sincerely,

M.P. Patten

M.P. Patten
Treasurer

MPP/jv

Paid for by the Riegle for Senate Committee. A copy of our report is filed with and may be purchased from the Federal Election Commission, Washington, D.C. M.P. Patten, Treasurer.

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 1648 - Memorandum and GC's Briefs

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

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85 FEB 4 P2:08

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1985

SENSITIVE

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

SUBJECT: MUR #1648

Attached for the Commission's review are briefs stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of these briefs and a letter notifying each 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 Respondents' replies to this notice, this Office will make a further report to the Commission.

Attachments
1. Briefs (2)
2. Letters (2)

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Riegle for Senate in '82 Committee;	)	MUR 1648
M.P. Patten, Treasurer	)	
	)	
	)	
	)	

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On March 18, 1984, Mr. James Edward Antosh, an individual residing at 13 Gilpin, Shawnee, Oklahoma, 78041, filed a complaint with the Federal Election Commission, pursuant to 2 U.S.C. § 437g(a)(1), alleging that Senator Donald W. Riegle, the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer,1/ accepted contributions in excess of the limit allowed by 2 U.S.C. § 441a(a)(2)(A) from the United Paperworkers International Union/Political Education Program (hereinafter, the "Paperworkers Committee") and Mr. George O'Bea as treasurer.

The Riegle for Senate in '82 Committee and M.P. Patten as treasurer (hereinafter, the "Riegle respondents") were notified by letter of the filing of the complaint.

1/ The complaint also named Senator Donald Riegle and M.P. Patten individually. M.P.Patten, in his official capacity of treasurer only is considered (with the committee) as a respondent.

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In response to the complaint the Riegle respondents denied acceptance of an excessive contribution because, they asserted, permission was received from the Paperworkers Committee to allocate one of its contributions partly for the primary election and partly for the general election.

The Commission found on August 14, 1984, that there was reason to believe that the Riegle respondents violated 2 U.S.C. § 441a(f) by accepting a contribution in excess of the limits established by 2 U.S.C. § 441a(a)(2)(A), from the Paperworkers Committee, and George O'Bea, as treasurer.

In response to the Commission's determination the Riegle respondents reasserted their previous contentions and explained in detail their committee procedures followed in 1982 for obtaining permission to redesignate a part of a contribution for the primary election and part for the general election from contributors whose contributions appeared to exceed allowable limits.

II. Legal Analysis

Section 441a(a)(2)(A) of Title 2, United States Code, provides that a multi-candidate political committee shall not make contributions "to any candidate and his authorized political committees which in the aggregate, exceed $5,000."

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Sections 431(1)(A) and 441a(a)(6) of Title 2, United States Code, apply this limitation separately with respect to the primary election and general election. Thus a multi-candidate political committee may contribute twice in the same election cycle an aggregate of $5,000 to a candidate with respect to the primary and the general election, respectively.

Section 110.1(a)(2)(ii), of Title 11, Code of Federal Regulations, provides that when a contribution is not designated in writing for a particular election, it will be treated as made for the primary election if made before (or on) the date of the primary election, and such a contribution will be treated as made for the general election if made after the date of the primary election. This provision is made applicable to multi-candidate committees by 11 C.F.R. § 110.2(a)(1). If a contribution is designated for a particular election, it is treated as made for that election.2/

Based on the complaint, the responses, and records on file at the Commission, the following chart demonstrates the

---

2/ An exception, not relevant here, exists for a contribution designated for the primary election, that is made after the date of the primary election. Such contribution "shall be made only to the extent that the contribution...not exceed net debts outstanding from the primary election..." 11 C.F.R. § 110.1(a)(2)(i).

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contributions made by the Paperworkers Committee and accepted by the Riegle Respondents.

Amount	Date & Election Desig./Contributor		Date & Election Desig./Recipient	
$1,000	8/31/81	None	8/31/81	Primary
1,000	4/23/82	None	4/23/82	Primary
4,000	7/28/82	None	8/4/82;	
			$3,000	Primary
			$1,000	General

Primary election date: August 10, 1982

At no time was the Paperworkers' contribution designated by a writing and contemporaneously communicated to the recipient, for any particular election. The Riegle respondents admit that they received oral permission to designate the July 28 contribution above, as $3,000 for the Primary election and $1,000 for the General election. The Riegle respondents further contend that they sent a standard committee permission form to the treasurer of the Paperworkers Committee for his signature. The Riegle respondents submitted to the Commission, facsimilies of the form that they believe they sent to the Paperworkers Committee treasurer because they are unable to locate a signed, returned form from the Paperworkers Committee. Indeed, the Riegle respondents response to the Commission's notification that it had reason to believe that the Act had been violated states, "...Following these conversations, authorization forms were then

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sent to the contributing party seeking permission to allocate the funds in the previously agreed upon fashion." (emphasis added). For whatever reason, that form was not returned. The Riegle respondents, at that point, obviously realized that the contribution limit for the primary election had been exceeded. Therefore, they should have followed the requirements of 11 C.F.R. § 103.3(b), and refunded the excessive contribution, within 10 days, or, alternatively, deposited it into the Committee's campaign account, within 10 days, and reported the contributions as possibly illegal in their next campaign financial disclosure report. If the contribution could not be determined to be legal, then the Committee should have refunded it and reported the refund. Because the Paperworkers Committee contribution of July 28, 1982, for $4,000, was not designated in writing for any election, the Commission's regulations treat it as a primary election contribution. Since the Paperworkers Committee had previously contributed $2,000, which was also treated as for the primary election, the Riegle respondents accepted $1,000 in excess of the limit of 2 U.S.C. § 441a(a)(2)(A). Thus the General Counsel recommends that the Commission find probable cause to believe that the Riegle respondents violated 2 U.S.C. § 441a(f).

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III. Recommendation

1. Find probable cause to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the United Paperworkers International Union/Political Education Program in connection with the August 10, 1982 primary election in Michigan.

4 February 1985

Date

Charles N. Steele

General Counsel

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
The United Paperworkers	)	
International Union/Political	)	MUR 1648
Education Program	)	
George O'Bea, Treasurer	)	

GENERAL COUNSEL'S BRIEF

I. Statement of the Case

On March 18, 1984, Mr. James Edward Antosh, an individual residing at 13 Gilpin, Shawnee, Oklahoma, 78041, filed a complaint with the Federal Election Commission, pursuant to 2 U.S.C. § 437g(a)(1), alleging that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, (hereinafter, the "Paperworkers Committee")1/ made contributions in excess of the limit allowed by 2 U.S.C. § 441a(a)(2)(A) to the Riegle for Senate in 82 committee and M.P. Patten, as treasurer (hereinafter, the "Riegle respondents").

The Paperworkers Committee and George O'Bea as treasurer were notified by letter of the filing of the complaint.

In response to the complaint, the Paperworkers Committee denied making an excessive contribution because, they asserted, permission was given from the Paperworkers Committee to the Riegle respondents to allocate one of its contributions partly for the primary election and partly for the general election.

1/ The complaint named a former, now deceased, treasurer, Nicholas Vrataric. The successor treasurer, George O'Bea, is substituted as a respondent.

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The Commission found on August 14, 1984, that there was reason to believe that the Paperworkers Committee violated 2 U.S.C. § 441a(a)(2)(A) by making a contribution in excess of the limits of that section to the Riegle for Senate in '82 Committee.

In response to the Commission's determination the Paperworkers Committee reasserted their previous contentions and explained that oral permission was given for the Riegle Committee to redesignate their $4,000 contribution of July 28, 1982. An affidavit is offered as evidence of this grant of permission.

II. Legal Analysis

Section 441a(a)(2)(A) of Title 2, United States Code, provides that a multi-candidate political committee shall not make contributions "to any candidate and his authorized political committees which in the aggregate, exceed $5,000."

Sections 431(1)(A) and 441a(a)(6) of Title 2, United States Code, apply this limitation separately with respect to the primary election and general election. Thus a multi-candidate political committee may contribute twice in the same election cycle an aggregate of $5,000 to a candidate with respect to the primary and general election, respectively.

Section 110.1(a)(2)(ii), of Title 11, Code of Federal Regulations, provides that when a contribution is not designated in writing for a particular election, it will be treated as made for the primary election if made before (or on) the date of the

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primary election, and such a contribution will be treated as made for the general election if made after the date of the primary election. This provision is made applicable to multi-candidate committees by 11 C.F.R. § 110.2(a)(1). If a contribution is designated for a particular election, it is treated as made for that election.2/

Based on the complaint, the responses, and records on file at the Commission, the following chart demonstrates the contributions made by the Paperworkers Committee and accepted by the Riegle Respondents.

Amount	Date & Election Desig./Contributor		Date & Election Desig./Recipient	
$1,000	8/31/81	None	8/31/81	Primary
1,000	4/23/82	None	4/23/82	Primary
4,000	7/28/82	None	8/4/82;	
			$3,000	Primary
			$1,000	General

Primary election date: August 10, 1982

At no time was the Paperworkers' contribution designated by a writing and contemporaneously communicated to the recipient, for any particular election.

2/ An exception, not relevant here, exists for a contribution designated for the primary election, that is made after the date of the primary election. Such contribution "shall be made only to the extent that the contribution does not exceed net debts outstanding from the primary election..." 11 C.F.R. § 110.1(a)(2)(i).

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They assert that permission for the Riegle Committee to allocate part of their $4,000 contribution for the primary and part for the general election was given orally. Additionally, they say the fact that the Riegle Committee allocated the contribution in question to remain within the limits, indicates that permission was given and followed. The Paperworkers Committee further supplied an affidavit from Mr. Glen Goss, Vice President/Area Director for the Paperworkers Union, whose jurisdiction is said to extend over the State of Michigan. Mr. Gross' affiavit indicates that he personally transmitted the subject $4,000 contribution to the Riegle Committee and that shortly thereafter, he was contacted by a representative of the Riegle Committee who requested permission to reallocate the contribution because it exceeded the allowable limit for the primary election. The Paperworkers Committee urges that this affidavit supports their contention that permission was given to allocate the contribution exactly as reported by the Riegle Committee and that the Paperworkers failure to properly designate this contribution in its FEC reports was inadvertent and in any event cured by a 1984 amendment to its filing which reflects the true state of this matter.

This Office does not believe that the affidavit supplied meets the requirement of 11 C.F.R. § 110.1(a)(2)(ii) to make a written designation of an election. This post hoc statement at most indicates that the Paperworkers agreed to make a redesignation of their contribution.

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A written designation is required, however, by the Commission's requlations and one was never provided. The Riegle respondents have stated that they believe they sent to the treasurer of the Paperworkers Committee for signature, a form they provided to contributors, which form gave permission to the Riegle Committee to designate the July contribution as they had agreed. For whatever reason, the Paperworkers' treasurer, it seems, did not return the form. Therefore, because the Paperworkers' July 28, $4,000 contribution was not designated in writing for any election, the Commission's regulations treat it as a primary election contribution. Since the Paperworkers had previously contributed $2,000, which was also treated by law for the primary election the General Counsel recommends that the Commission find probable cause to believe that the Paperworkers International Union Political Education Program, and George O'Bea as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by contributing in excess of the limit allowed by that section.

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III. Recommendation

1. Find probable cause to believe that the Paperworkers International Union Political Education Program, and George O'Bea, as treasurer, 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

M. P. Patten, Treasurer
Riegle for Senate in '82
Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

RE: MUR 1648
Riegle for Senate in '82
Committee, M.P. Patten,
Treasurer

Dear Mr. Patten:

Based on a complaint filed with the Commission on March 18, 1984, and information supplied by you, the Commission determined on August 14, 1984, that there was reason to believe that the Riegle for Senate in '82 Committee and you , as treasurer had 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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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 Paul Reyes, the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

Enclosure
Brief

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1985

Michael Hamilton, Esquire
United Paperworkers International
Union Political Education Program
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union
Political Education Program,
George O'Bea, Treasurer

Dear Mr. Hamilton:

Based on a complaint filed with the Commission on March 18, 1984, and information supplied by your clients, the Commission determined on August 14, 1984, that there was reason to believe that your clients 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 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.

85040543826

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 Paul Reyes the staff member assigned to handle this matter, at (202) 523-4000.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosure
Brief

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES N. STEELE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JODY C. RANSOM

DATE: NOVEMBER 5, 1984

SUBJECT: MUR 1648 - Comprehensive Investigative Report #1 signed November 1, 1984

The above-captioned matter was circulated to the Commission on a 24 hour no-objection basis at 2:00, November 2, 1984.

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: November 1, 1984

SUBJECT: MUR 1648 - 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	[XX]
Sensitive	[ ]		
Non-Sensitive	[ ]	Audit Matters	[ ]
24 Hour No Objection	[X]	Litigation	[ ]
Sensitive	[X]		
Non-Sensitive	[ ]	Closed MUR Letters	[ ]
Information	[ ]	Status Sheets	[ ]
Sensitive	[ ]		
Non-Sensitive	[ ]	Advisory Opinions	[ ]
Other	[ ]	Other (see distribution below)	[ ]

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SENSITIVE

RECEIVED
THE FEC
SECRETARY

BEFORE THE FEDERAL ELECTION COMMISSION

84 NOV 1 P2:47

In the Matter of	)	
	)	
Riegle For Senate in '82 Committee	)	MUR 1648
M.P. Patten, Treasurer	)	
United Paperworkers International Union-Political Education Program, George O'Bea, Treasurer	)	

COMPREHENSIVE INVESTIGATIVE REPORT #1

On August 14, 1984, the Commission determined that there was reason to believe that the United Paperworkers International Union Political Education Program (the "Paperworkers Committee") and George O'Bea, as treasurer, violated 2 U.S.C. § 44la(a)(2)(A) by making excessive contributions to the Riegle for Senate in '82 Committee. At that time the Commission also determined that there was reason to believe that the Riegle for Senate in '82 Committee (the "Riegle Committee") violated 2 U.S.C. § 44la(f) by accepting the contributions made by the Paperworkers Committee.

On August 22, 1984, respondents were notified of this determination by letter.

On August 30, 1984, the Riegle Committee's response to this notification was received by the Commission. The Riegle Committee reiterates its response provided in answer to notification that this complaint had been filed. The Committee continues to maintain that the contribution from the Paperworkers Committee was allocated within the limits of the Act pursuant to permission from the contributor. The Committee explains that

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oral approval was received and that they, the Riegle Committee, sent a standard committee form to the contributor with a cover letter in which they sought written approval of the allocation agreed upon orally with the contributor. The Riegle Committee supplied only facsimilies of the copies of the form that they believe they sent to the Paperworkers Committee. They explained to this Office that they sent facsimilies because they were unable to locate signed copies returned from the contributor before the expiration of the ten days given by the Commission's reason to believe notification letter. The Committee indicated that they would continue to search for such copies and forward them to the Commission if and when they are found.

On September 5, 1984, the response from the Paperworkers Committee was received by the Commission. The Paperworkers Committee also reiterated its assertion previously made in response to notification that a complaint had been filed. They assert that permission for the Riegle Committee to allocate part of their $4,000 contribution for the primary and part for the general election was given orally. Additionally, they say the fact that the Riegle Committee allocated the contribution in question to remain within the limits, indicates that permission was given and followed. The Paperworkers Committee further supplied an affidavit from Mr. Glen Goss, Vice President/Area Director for the Paperworkers Union, whose jurisdiction is said to extend over the State of Michigan. Mr. Goss' affidavit indicates that he personally transmitted the subject $4,000

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contribution to the Riegle Committee and that shortly thereafter, he was contacted by a representative of the Riegle Committee who requested permission to reallocate the contribution because it exceeded the allowable limit for the primary election. The Paperworkers Committee urges that this affidavit supports their contention that permission was given to allocate the contribution exactly as reported by the Riegle Committee and that the Paperworkers' failure to properly designate this contribution in its FEC reports was inadvertent and in any event cured by a 1984 amendment to its filing which reflects the true state of this matter.

Since neither respondent has requested commencement of negotiations leading to a conciliation agreement prior to a finding of probable cause, a further report from this Office will be forthcoming.

Charles N. Steele
General Counsel

Nov 1, 1984
Date

BY: Kenneth A. Gross
Associate General Counsel

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RECEIVED AT THE FEC
GCC # 4599

UNITED PAPERWORKERS INTERNATIONAL UNION

WAYNE E. GLENN
President

September 5, 1984

LEGAL DEPARTMENT
LYNN AGEE, Esq.
MICHAEL HAMILTON, Esq.
MELINDA J. BRANSCOMB, Esq.
MARK M. BROOKS, Esq.

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
'84 SEP 6 P2:09

Mr. Thomas Harris
Vice Chairman
Federal Election Commission
Washington, D.C. 20463

Re: United Paperworkers International Union Political Education Program, MUR 1648

Dear Mr. Harris:

I am in receipt of your letter dated August 22 regarding the above referenced matter wherein you informed me that the Commission has found reason to believe that UPIU-PEP violated the Act by making an excessive contribution to the Riegle for Senate in '82 Committee.

In our April 12 response to the Complaint, we informed the Commission that Nicholas C. Vrataric, former Treasurer of UPIU-PEP, had died on December 8, 1983; therefore, UPIU-PEP would be unable to submit an affidavit from Vrataric with regard to how the July 28, 1982 contribution was to be allocated.

In our response, I asserted to the Commission that Riegle and his Committee allocated $3,000 of the $4,000 July 28 contribution to the primary and $1,000 to the General Election Fund, and that therefore the contribution for the primary did not exceed the allowable limit. I also advised the Commission that representatives of Candidate Riegle had stated that if it appeared that a primary contribution would exceed the allowable limit, the campaign committee would contact the contributor to secure the contributor's permission to allocate a portion of the contribution to the general election and that since the candidate's committee report reflected such an allocation, it could be inferred that they had received permission to allocate the contribution as it was ultimately allocated. In that connection, I have enclosed herewith an affidavit from Vice President/Area Director Glenn Goss, whose jurisdiction with United Paperworkers International Union extends over the State of Michigan. Goss' affidavit indicates that he transmitted the $4,000 contribution to the Riegle for Senate Committee by letter dated July 28, 1982, a copy of which is attached to his affidavit, and that shortly thereafter, he was contacted by a woman from the Riegle for Senate in '82 Committee who requested permission to allocate a portion of the July 28 $4,000 contribution to the general election.

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INTERNATIONAL HEADQUARTERS: P. O. BOX 1475 • NASHVILLE, TENNESSEE 37202 • TELEPHONE (615) 834-8590

Re: United Paperworkers International Union Political Education Program, MUR 1648

Inasmuch as Goss' affidavit supports our contention that UPIU-PEP's $4,000 contribution was properly allocated in accordance with the intent and direction of UPIU-PEP; Vrataric's inadvertent failure to designate the proper allocation in the quarterly report to the Commission is purely a technical violation of the Act; UPIU-PEP submitted an amended report which reflects the proper allocation of the contribution; and UPIU-PEP has implemented procedures which assure that proper designations are made in both quarterly reports and in cover letters to receiving committees, I respectfully submit that no further action should be taken in this matter.

Respectfully submitted,

Michael Hamilton

MH:sq

cc: Wayne E. Glenn, UPIU President
John Defee, UPIU Secretary/Treasurer
George O'Bea, UPIU-PEP Director
Glenn Goss, Vice President, UPIU Region IX

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ELECTION COMMISSION

JAMES EDWARD ANTOSH,	]	
Complainant	]	
	]	
vs.	]	MUR 1648
	]	
DONALD W. RIEGLE, Jr., et al,	]	
Respondents	]	

AFFIDAVIT OF GLENN B. GOSS

I, GLENN B. GOSS, after having been duly sworn, give the following statement for purposes of providing information in this matter.

My name is GLENN B. GOSS of 5556 Beauport Road, Speedway, Indiana. At all times material to MUR 1648, I was Vice President/Area Director of Region IX of the United Paperworkers International Union. In that capacity, I have jurisdiction over the interests of the United Paperworkers International Union in the states of Indiana, Illinois and substantial parts of Michigan.

On July 28, 1982, I mailed to Pat Patten, Treasurer of the Riegle for Senate Committee, a check in the amount of $4,000 payable to the Riegle for Senate Committee, representing the support of the United Paperworkers International Union of Senator Riegle's bid for re-election to the United States

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Senate. A copy of my transmittal letter is attached hereto as Exhibit A.

Shortly after mailing that letter, I received a telephone call from a woman who identified herself as a member of the Riegle for Senate Committee. I do not recall the woman's name; however, this representative of the Riegle for Senate Committee acknowledged receipt of UPIU-PEP's contribution to the Riegle for Senate Committee in the amount of $4,000 and requested permission to allocate a portion of that contribution to the General Election Campaign Fund. I agreed to this request. I do not recall specifically how much the caller indicated would be allocated to the General Election Campaign Fund.

Further, Affiant saveth not.

Glenn B. Goss

GLENN B. GOSS

STATE OF TENNESSEE

COUNTY OF DAVIDSON

SUBSCRIBED AND SWORN to before me by GLENN B. GOSS on this 5th day of September, 1984.

Frank LaClair

NOTARY PUBLIC

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EXHIBIT A

UNITED PAPERWORKERS INTERNATIONAL UNIO

International Headquarters: 702 Church Street, P.O. Box 1475, Nashville, Tennessee 372
Telephone: 615-254-66

WAYNE E. GLENN
President

NICHOLAS C. VRATARIC
Secretary-Treasurer

July 28, 1982

Riegle for Senate Committee
P. O. Box 2884
Washington, DC 20013

ATTENTION: Pat Patten, Treasurer

Dear Pat:

Enclosed please find a check in the amount of $4,000.00 payable to "Riegle for Senate Committee" which represents the support of the United Paperworkers International Union of Senator Riegle in his bid for re-election to the United States Senate from the State of Michigan.

Would you please convey my best wishes, along with President Wayne Glenn and the entire Executive Board, to the Senator for a most successful campaign. We have enjoyed our association in the past and greatly appreciate his support of organized labor. We look forward to a long and continued relationship.

With sincere best wishes.

Very truly yours,

Glenn B. Goss

Glenn B. Goss
Vice President/Regional Director
6333 Hollister Drive
Indianapolis, Indiana 46224

GBG/wd

Enclosure

cc: Vice President George O'Bea
Secretary-Treasurer Nicholas Vrataric

Voluntary

APPROVED BY [illegible]
ACCOUNT # Voluntary
DATE PAID 7/28/82.
CHECK # 119.

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Riegle for Senate Committee

RECEIVED AT THE FEC
GCC#4573
84 AUG 30 P 4:10

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

August 30, 1984

Reyes

Mr. Thomas Harris, Vice Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Harris:

I am in receipt of your letter dated August 22 pertaining to MUR 1648, which requests additional information regarding the contribution of $4,000 from the United Paperworkers International Union-PEP fund and its allocation of $3,000 for the August 10, 1982 primary and $1,000 for the 1982 general election.

In our letter to the FEC of April 10, we stated the following with regard to the PEP contribution:

> "Following contributions totalling $2,000 received on August 31, 1981, and April 23, 1982, a $4,000 contribution subsequently received on July 28, 1982, was designated, in part, for the general election only: $1,000 was set aside specifically for the general election, while the remaining $3,000 was allocated for current primary purposes. This allocation was clearly reflected on the Committee's reports."

In any instance where receipt of funds during the primary election period exceeded FEC primary limits, it was the policy of the Riegle for Senate in '82 Committee to, first, communicate orally with the contributing party to notify them of the Committee's receipt of such funds and that the amount above the primary campaign limit could only be accepted on the basis of specifically applying the excess amount against the general election campaign contribution limits. Approval of allocating any such funds to the general election was obtained during these oral communications. Following these conversations, authorization forms were then sent to the contributing party seeking written permission to allocate the funds in the previously agreed upon fashion.

As indicated to you in our letter of April 10, the Riegle for Senate in '82 Committee clearly reported the $4,000 contribution as an allocation of $3,000 to the primary election and $1,000 to the general election. This was, in fact, the understanding of the Committee and was communicated to the PEP fund in copies of form letters enclosed with this letter. The Committee acted accordingly in treating this contribution as was agreed orally and by letters sent to the PEP fund.

It is our understanding that an affidavit is forthcoming from an assistant to the now deceased treasurer of the United Paperworkers International Union-PEP fund affirming that in response to our request, they agreed to designate their contribution in a manner consistent with the FEC regulations. As our original report filed with the FEC indicates, the Riegle for Senate in '82 Committee filed correctly all contributions from the PEP fund.

Sincerely,

M.P. Patten

M.P. Patten, Treasurer

Enclosures

Paid for by the Riegle for Senate Committee. A copy of our report is filed with and may be purchased from the Federal Election Commission, Washington, D.C. M.P. Patten, Treasurer.

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RIEGLE

US SENATOR MICHIGAN

24209 Northwestern Highway, Southfield, Michigan 48075 313-352-1989

A facsimile of the letter sent in instances of excess contributions.

Mr. Nicholas Vrataric, Treasurer
Political Education Program Voluntary Fund
United Paperworkers International Union
P.O. Box 1475
Nashville, TN 37202

Dear Mr. Vrataric:

It has come to our attention that the contributions to our campaign from the PEP Fund for the 1982 primary election now total $6,000. Since federal election laws limit PAC contributions to the primary election to $5,000, it is necessary for us to have your written authorization to allocate $1,000 of the PEP contribution to the 1982 general election.

I have taken the liberty of enclosing an authorization letter and return envelope for your convenience. Thank you again for you generous support.

Sincerely,

Jo Ellen Vincent

/jv

Enclosures

850405 4 6 8 3 9

'82 Victory

132

Paid for by the Riegle for Senate in '82 Committee.

A facsimile of the letter sent in instances of excess contributions.

Riegle for Senate in '82 Committee
Box 2884
Washington, D.C. 20013

Dear Sirs:

I understand that the contributions to the Riegle for Senate in '82 Committee for the primary have exceeded the $5,000 limit. Please allocate any excess funds to Senator Riegle's general election campaign.

Thank you for your assistance.

Sincerely,

Nicholas Vrataric, Treasurer

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RIEGLE FOR SENATE COMMITTEE
P.O. Box 2884
Washington, D.C. 20013

84 AUG 30 P 3:39

Mr. Thomas Harris
Vice Chairman
Federal Election Commission
Washington, D.C. 20463

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

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

RE: MUR 1648
AFL-CIO COPE

Dear Ms. McCormick:

On August 14, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to your client.

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.

The Commission reminds you that contributions in excess of the limits of 2 U.S.C. § 441a and the failure to accurately report contributions under 11 C.F.R. § 104.14(d) nevertheless appear to be a violation of the Act. You should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Thomas E. Harris

Thomas E. Harris
Vice Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

RE: MUR 1648
AFL-CIO COPE

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Dear Ms. McCormick:

On August 14, 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file as it pertains to your client.

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.

The Commission reminds you that contributions in excess of the limits of 2 U.S.C. § 441a and the failure to accurately report contributions under 11 C.F.R. § 104.14(d) nevertheless appear to be a violation of the Act. You should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Thomas E. Harris
Vice Chairman

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Mr. Louis B. Knecht, Treasurer
Communications Workers of America -
COPE-PCC
1925 K Street, N.W., Suite 211
Washington, D.C. 20006

RE: MUR 1648
Communications Workers of
America - COPE-PCC

Dear Mr. Knecht:

On March 26, 1984, the Commission notified the Communications Workers of America - COPE-PCC (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August 14, 1984, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of 2 U.S.C. § 441a(a)(2)(A) has been committed by the Committee or you as treasurer. The Commission determined, however, that there is reason to believe that you, as treasurer, and the Committee violated 11 C.F.R. § 104.14(d) by failing to accurately report a contribution made to the Riegle for Senate '82 Committee. However, the Commission has, in view of the circumstances, determined to take no further action with respect to this matter and closed its file in this matter as it pertains to the CWA COPE-PCC and you as treasurer.

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

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closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

Thomas E. Harris

Thomas E. Harris
Vice Chairman

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Louis B. Knecht, Treasurer
Communications Workers of America -
COPE-PCC
1925 K Street, N.W., Suite 211
Washington, D.C. 20006

PR
8/21

RE: MUR 1648
Communications Workers of
America - COPE-PCC

Dear Mr. Knecht:

On March 26, 1984, the Commission notified the Communications Workers of America - COPE-PCC (the "Committee") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on August 14, 1984, determined that on the basis of the information in the complaint, and information provided by your committee, there is no reason to believe that a violation of 2 U.S.C. § 441a(a)(2)(A) has been committed by the Committee or you as treasurer. The Commission determined, however, that there is reason to believe that you, as treasurer, and the Committee violated 11 C.F.R. § 104.14(d) by failing to accurately report a contribution made to the Riegle for Senate '82 Committee. However, the Commission has, in view of the circumstances, determined to take no further action with respect to this matter and closed its file in this matter as it pertains to the CWA COPE-PCC and you as treasurer.

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

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closed. The Commission will notify you when the entire file has been closed.

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

Sincerely,

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Mr. M. P. Patten, Treasurer
Riegle for Senate in '82 Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

RE: MUR 1648

Dear Mr. Patten:

On March 26, 1984, the Commission notified you as treasurer, and the Riegle for Senate in '82 Committee, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on August 14, 1984, found reason to believe that the Riegle for Senate in '82 Committee and you, as treasurer, had violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and Title 11 of the Code of Federal Regulations in connection with the above referenced MUR by accepting excessive contributions from the AFL-CIO COPE and affiliates, but take no further action. The Commission also determined that there is reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the United Paperworkers International Union Political Education Program.

The Commission further determined that there is no reason to believe that the Riegle for Senate in '82 Committee, or M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) or 11 C.F.R. § 104.14(d) by accepting and reporting contributions from the Communications Workers of America Committee on Political Education.

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the contribution of $4,000 from the United Paperworkers International Union-PEP and its allocation of $3,000 for the August 10, 1982

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primary election and $1,000 for the 1982 general election. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 committee and you, as treasurer, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437(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 direct them to Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Thomas E. Harris

Thomas E. Harris
Vice Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. M. P. Patten, Treasurer
Riegle for Senate in '82 Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

PR 8/21

RE: MUR 1648

Dear Mr. Patten:

On March 26, 1984, the Commission notified you as treasurer, and the Riegle for Senate in '82 Committee, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on August 14, 1984, found reason to believe that the Riegle for Senate in '82 Committee and you, as treasurer, had violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and Title 11 of the Code of Federal Regulations in connection with the above referenced MUR by accepting excessive contributions from the AFL-CIO COPE and affiliates, but take no further action. The Commission also determined that there is reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the United Paperworkers International Union Political Education Program.

The Commission further determined that there is no reason to believe that the Riegle for Senate in '82 Committee, or M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) or 11 C.F.R. § 104.14(d) by accepting and reporting contributions from the Communications Workers of America Committee on Political Education.

Your response to the Commission's initial notification of this complaint did not provide complete information regarding the contribution of $4,000 from the United Paperworkers International Union-PEP and its allocation of $3,000 for the August 10, 1982

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primary election and $1,000 for the 1982 general election. You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 committee and you, as treasurer, the Office of General Counsel must proceed to the next compliance stage as noted on page 2, paragraph 2, of the enclosed procedures.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437(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 direct them to Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Thomas E. Harris
Vice Chairman

Enclosures
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

August 22, 1984

Michael Hamilton, Esquire
United Paperworkers International
Union Political Education Program
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union Political
Education Program
George O'Bea, Treasurer

Dear Mr. Hamilton:

On March 26, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on August 14, 1984, found reason to believe that your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR by making an excessive contribution to the Riegle for Senate in '82 Committee.

You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 as noted on page 2, paragraph 2, of the enclosed procedures.

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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 to Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Thomas E. Harris

Thomas E. Harris
Vice Chairman

Enclosure
Procedures

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Hamilton, Esquire
United Paperworkers International
Union Political Education Program
P.O. Box 1475
Nashville, Tennessee 37202

PR 8/21

RE: MUR 1648
United Paperworkers
International Union Political
Education Program
George O'Bea, Treasurer

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Dear Mr. Hamilton:

On March 26, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. A copy of the complaint was forwarded to your clients at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on August 14, 1984, found reason to believe that your clients had violated 2 U.S.C. § 441a(a)(2)(A), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR by making an excessive contribution to the Riegle for Senate in '82 Committee.

You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file 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 as noted on page 2, paragraph 2, of the enclosed procedures.

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 to Paul Reyes, the staff member assigned to this matter, at (202) 523-4000.

Sincerely,

Thomas E. Harris
Vice Chairman

Enclosure
Procedures

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	
Riegle For Senate in '82 Committee	)	MUR 1648
	)	
M.P. Patten, Treasurer	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of August 14, 1984, do hereby certify that the Commission took the following actions in MUR 1648:

1. Decided by a vote of 5-0 to find reason to believe that the AFL-CIO Committee on Political Education and Political Contributions Committee and its treasurer, Thomas R. Donahue, and its affiliated committees: the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, treasurer, and the Michigan State AFL-CIO COPE, Walter L. Oliver, treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Riegle for Senate in '82 Committee, but take no further action.

   Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

2. Decided by a vote of 4-1 to find reason to believe that the AFL-CIO Committee on Political Education and Political Contributions Committee and its treasurer, Thomas R. Donahue, and its affiliated committees: the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, treasurer,

(Continued)

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and the Michigan State AFL-CIO COPE, Walter L. Oliver, treasurer, violated 11 C.F.R. § 104.14(d) by inaccurately reporting contributions to the Riegle for Senate in '82 Committee, but take no further action.

Commissioners Aikens, Elliott, McGarry and Reiche voted affirmatively for the decision. Commissioner Harris dissented; Commissioner McDonald was not present.

3. Decided by a vote of 5-0 to find reason to believe that the Riegle for Senate in '82 Committee and M. P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions from the AFL-CIO COPE and affiliates, but take no further action.

Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

4. Decided by a vote of 4-1 to find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) by inaccurately reporting contributions from the AFL-CIO and its affiliates, but take no further action.

Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmatively for the decision; Commissioner Harris dissented; Commissioner McDonald was not present.

5. Decided by a vote of 5-0 to find no reason to believe that the Communications Workers of America Committee on Political Education and Political Contributions Committee and Louis B. Knecht, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Riegle for Senate in '82 Committee.

(Continued)

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Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

6. Decided by a vote of 4-1 to find reason to believe that the Communication Workers of America Committee on Political Education and Political Contributions Committee violated 11 C.F.R. § 104.14(d) by inaccurately reporting a contribution to the Riegle for Senate in '82 Committee, but take no further action.

   Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmtively; Commissioner Harris dissented; Commissioner McDonald was not present.

7. Decided by a vote of 5-0 to find no reason to believe that the Riegle for Senate in '82 Committee, or M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions from the Communications Workers of America Committee on Political Education.

   Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

8. Decided by a vote of 5-0 to find no reason to believe that the Riegle for Senate in '82 Committee or M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) in reporting contributions from the Cummunication Workers of America Committee on Political Education.

   Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

(Continued)

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9. Decided by a vote of 4-1 to find reason to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Riegle for Senate in '82 Committee.

   Commissioners Aikens, Elliott, McGarry, and Reiche voted affirmatively for the decision; Commissioner Harris dissented; Commissioner McDonald was not present.

10. Failed in a vote of 1-3 to pass a motion to find reason to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 11 C.F.R. § 104.14(d) by inaccurately reporting contributions to the Riegle for Senate in '82 Committee.

    Commissioner Aikens voted for the motion; Commissioners Elliott, Harris, and McGarry dissented; Commissioner Reiche abstained on the vote; and Commissioner McDonald was not present.

11. Decided by a vote of 5-0 to find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the United Paperworkers International Union Political Education Program.

    Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

(Continued)

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12. Failed on a vote of 3-1 to pass a motion not to approve recommendation number 12 in the General Counsel's report dated August 3, 1984.

    Commissioners Elliott, Harris, and McGarry voted affirmatively for the motion; Commissioner Aikens dissented; Commissioner Reiche abstained; Commissioner McDonald was not present.

13. Failed on a vote of 2-3 to approve the General Counsel's recommendation number 12 to find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) for inaccurately reporting contributions from the United Paperworkers International Union Political Education Program, but take no further action.

    Commissioners Aikens and Reiche voted affirmatively for the motion; Commissioners Elliott, Harris, and McGarry dissented. Commissioner McDonald was not present.

14. Decided by a vote of 5-0 to direct the General Counsel to send appropriate letters pursuant to the above actions.

    Commissioners Aikens, Elliott, Harris, McGarry, and Reiche voted affirmatively for the decision; Commissioner McDonald was not present.

Attest:

8-15-84
Date

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

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/ SUSAN M. TEIR SMT

DATE: AUGUST 8, 1984

SUBJECT: OBJECTIONS - MUR 1648 - GENERAL COUNSEL'S REPORT signed August 3, 1984

The above-named document was circulated to the Commission on August 6, 1984 at 4:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	X
Commissioner Elliott	X
Commissioner Harris	
Commissioner McDonald	
Commissioner McGarry	
Commissioner Reiche	X (COMMENTS ATTACHED)

This matter will be placed on the Executive Session agenda for Tuesday, August 14, 1984.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: August 6, 1984

SUBJECT: MUR 1648 - General Counsel's Report

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

Open Session _____

Closed Session _____

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

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RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Riegle For Senate in '82)
Committee) MUR 1648
M.P. Patten, Treasurer)

SENSITIVE

GENERAL COUNSEL'S REPORT

BACKGROUND

Allegations

Pursuant to 2 U.S.C. § 437g(a)(1) James Edward Antosh brings this complaint against Senator Donald W. Riegle, Jr., Riegle for Senate in '82 Committee ("the Riegle Respondents"), American Federation of Labor-Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee ("COPE") and its affiliated separate segregated funds ("SSFs"), Industrial Union Department AFL-CIO Voluntary Fund ("IU") and Michigan State AFL-CIO COPE Voluntary Fund ("Michigan"); Communications Workers of America Committee on Political Education and Political Contributions Committee ("CWA"); United Paperworkers International Union-Political Education Program ("UPIU"); 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).

Mr. Antosh charges that contributions in excess of the limits of 2 U.S.C. §§ 441a(f) and 441a(a)(2)(A) for the August 10, 1982 primary election were knowingly made by, respectively,

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COPE/IU/Michigan ($5,625), CWA ($10,000) and UPIU ($6,000) and accepted by the Riegle respondents. COPE, IU and Michigan are charged with the violation as a result of their affiliated status and the separate contributions made by each to the Riegle respondents; those contributions are as follows: COPE, $4,750; IU, $250; IU, $500; Michigan, $125. The complaint alleges that the Riegle respondents failed to report the $250 contribution from IU.

Violations of 11 C.F.R. § 104.14(d) by UPIU, CWA and the Riegle respondents are alleged based upon CWA's and UPIU's failure to designate an election for a contribution and the Riegle respondents splitting those undesignated contributions between the primary and general election.

Each committee treasurer is named individually and in his or her official capacity as treasurer.

Notice of Commission receipt of this complaint was mailed out March 26, 1984, to the respondents. A response was received from Mr. M.P. Patten, the current treasurer for the Riegle for Senate in '88 Committee, who was the treasurer for the Riegle for Senate in '82 Committee on behalf of 1) Donald W. Riegle, Jr., 2) Mr. Sherwood Colburn - a prior treasurer of the '82 Committee, and 3) the Riegle for Senate in '82 Committee. The AFL-CIO respondents requested and were granted a twenty-five day extension of time in which to file a response from the original due date of April 12 to May 7, 1984. The AFL-CIO respondents' response was received May 7, 1984. The Commission received the

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Communications Workers of America response on April 2, 1984. The United Paperworkers International Union responded on April 17, 1984. A First General Counsel's Report making no recommendations was circulated to the Commission on May 7, 1984 without objections.

FACTUAL AND LEGAL ANALYSIS

Overview of Responses

A review of reports on file with the Commission demonstrates that the contributions at issue were reported as charged. Overall, the respondents have replied with general denials of excessive contributions made or accepted, specific assertions of clerical reporting errors and implied or actual consent to redesignate contributions where they aggregate in excess of the allowable $5,000 limit or where they are not expressly designated by the donor.

Contributions from AFL-CIO and Affiliates

The primary election in Michigan was held on August 10, 1982. As seen below, all of the relevant contributions were reported as made for the primary election prior to the date of the primary.

The following chart, based on the complaint, responses and Committee reports on file, demonstrates the transactions between these Committees:

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Contributor	Amount	Date & Elec./ Contributor	Date & Elec. Recipient
AFL-CIO	$ 4,750	6/26/81 P	6/26/81 P
IU*/	500	Date & Elec./ 3/5/82 P	Date & Elec. 3/5/82 P (4/9/84) ($125 P; $375 G)
Michigan	125	7/20/82 P	7/29/82 P
	$ 5,375 P		$5,375 P

Date of Primary: August 10, 1982

The Riegle respondents maintain that no violation of 2 U.S.C. § 441a(f) occurred by its acceptance of excessive contributions from the AFL-CIO COPE and its affiliates because it "...designated the alleged 'surplus' for use only in connection with the general election, and did so pursuant to communications to this effect with the IU Fund. . . ." The Riegle respondents further contend that the IU Fund "...made a contribution of $500 to the '82 Riegle Committee on the understanding that if the aggregate $5,000 primary contribution limit of AFL-CIO COPE and its affiliates was being approached by these committees, Riegle for Senate in '82 could allocate a portion of funds received to general election purposes under 11 C.F.R. § 102.9(e)." The tenor of the response implies that the above asserted communications

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*/ A contribution of $250 allegedly made on June 29, 1981, is excluded. The Riegle respondents contend that they never received this check from IU. They contend that IU told them that IU was unable to locate a cancelled check in this amount. IU confirms this contribution. IU explains that following standard accounting procedures, when the check had not been cashed or returned after a certain period of time, they voided their checkbook entry and stopped payment on the check. IU filed an amendment to its FEC report noting this on March 23, 1984.

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occurred contemporaneously with the transactions. "The amounts allocated in this fashion," they explain, "would be treated and managed by the Committee as related to, and available for, the general election period only. On this basis, the Committee [explains that it] elected to designate and reserve $125 of the IU Fund contribution for the primary, and the remaining $375 for the general election." The Committee states that this was done pursuant to communications to this effect with the IU Fund. This transaction, according to the Committee, was not reported correctly and amendments filed on April 9, 1984 ". . .correct the record on this score."

The IUD Voluntary Fund maintains that no violation of 2 U.S.C. § 44la(a)(2)(A) occurred because on March 23, 1984, prior to receiving notification of the complaint in this matter, it redesignated the March 5, 1982 contribution to the Riegle Committee as $125 for the primary and $375 for the general election and filed an amendment to its March 1982 FEC report reflecting this change. Respondent provided no explanation of the reasons for this change.

Section 44la(f) of Title 2, United States Code, prohibits candidates or political committees from knowingly accepting contributions or making expenditures in violation of the limitations established by the Act. Officers and employees of political committees are expressly prohibited from knowingly accepting or making contributions for the use or benefit of a candidate which exceed the limits.

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Section 441a(a)(2)(A) of Title 2, United States Code, provides that no multicandidate political committee shall make contributions to any candidate. . . .with respect to any election....which....exceed $5,000.

Section 441a(a)(5) of Title 2, United States Code, provides that all contributions made by affiliated political committees shall be considered to have been made by a single political committee. Section 100.5(g) of Title 11, Code of Federal Regulations further provides that all of the political committees set up by an organization of national or international unions and all of its state and/or local central bodies are affiliated. 11 C.F.R. § 100.5(g)(2)(i)(C).

The AFL-CIO COPE, Industrial Union Department Voluntary Fund and the Michigan State AFL-CIO Voluntary Fund are thus all affiliated within the meaning of 2 U.S.C. § 441a(a)(5) and 11 C.F.R. § 100.5(g)(2). These committees share multicandidate status and thus are limited to contributing no more than $5,000 in the aggregate with respect to an election of a candidate seeking federal office.

Commission regulations regarding contribution limits at 11 C.F.R. § 110.1(a)(1)(2)(i), (ii) and 11 C.F.R. § 110.2(a)(1) contemplate the receipt of "designated" and "undesignated" contributions by candidates. In the case of a contribution designated in writing for a particular election, contributions made apply to the election so designated. Undesignated contributions apply to a primary election if made on or before

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the date of that election or a general election if made after the date of the primary election.

Commission regulations at 11 C.F.R. § 102.9(e) state that candidates and their authorized committee(s) which receive "contributions prior to the date of the primary election, which... are designated by the candidate or... committee for use in connection with the general election must separately account for contributions received for each election. (Emphasis added).

The Commission has construed these two provisions as not inconsistent. In MUR 1488, this Office took the position that undesignated and designated contributions received before the date of the primary election must be attributed to the primary election. This Office continues to maintain the view that absent prior or clear contemporaneous donor consent, a recipient committee cannot redesignate any contribution received before the primary election as a general election contribution. This avoids contravening a contributor's intent and ensures that the contributor is aware of the fact that he or she has been deemed to have made such a contribution. Moreover, permitting the recipient committee to independently make a designation is inconsistent with the rules for designated and undesignated contributions set forth at 11 C.F.R. § 110.1(a)(2).

From the evidence before the Commission at this time, it appears that the Riegle for Senate in '82 Committee and Mr. M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions totalling $5,375 from the AFL-CIO respondents.

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IU's $500, March 5, 1982 contribution put the AFL-CIO Respondents over the $5,000 limit by $250 and the Michigan State contribution increased the amount to $375. The Riegle Committee's reliance on 11 C.F.R. § 102.9(e) as authority to allocate the $500 contribution is misplaced. It is unavailing particularly in light of the fact that IU reports disclosed the contribution to the Riegle '82 Committee in 1982 for the primary and the Riegle Committee likewise reported it for the August 10, 1982 primary. No transmittal letters or copies of contribution checks have been submitted by the respondents. IU's statement that for some unexplained reason it reviewed its records in March 1984 and redesignated its March 5, 1982 $500 contribution in the same fashion as did the Riegle Committee on the authority of 11 C.F.R. § 102.9(e) and "pursuant to communications with the IU Fund," is contrary to the implication in the Riegle response that communications regarding these transactions were contemporaneous with the contributions.

In addition, section 104.14(d) of Title 11, Code of Federal Regulations, provides that "each treasurer of a political committee... shall be personally responsible for the accurate filing of (committee reports)." Similarly, the Riegle for Senate '82 Committee treasurer, M.P. Patten, violated 11 C.F.R. § 104.14(d) by redesignating the IU $500 contribution for the primary and general elections absent some clear, contemporaneous, written designation from the contributor indicating consent to so designate. However, in light of the fact that there is but a

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$375 illegal contribution from the affiliated PACs, this Office believes that no further action should be taken.

CWA Contributions

Both $5,000 contributions alleged to constitute impermissible primary election contributions from the Communications Workers of America (CWA) were made before the date of the September primary election. One of the contributions was not designated on an FEC Report as being for any election. The Riegle respondents contend that it was the understanding between the two committees that the second $5,000 contribution was intended by CWA as for the general election; also, that under the authority of 11 C.F.R. § 102.9(e), the Committee received it as such. CWA's response confirms this understanding. CWA submits copies of its internal request forms dated June 5, 1981, and December 4, 1981, which are marked showing each contribution as made, respectively, for the primary election and general election. Thus, there is evidence that the contributor made designations prior to giving the contributions. CWA explains the omission of an election designation on its FEC Form 3x Schedule B as inadvertent and due to an omission in what was then a new keypunching system for the Committee.

The General Counsel's Office believes that this evidence sufficiently demonstrates that the Riegle Committee had the consent of the contributor to apply the contribution of December 4, 1981, to the 1982 general election and so account for it pursuant to 11 C.F.R. § 102.9(e). Thus, no violation by CWA

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or the Riegle Committee of 2 U.S.C. § 441a(a)(2)(A) or 2 U.S.C. § 441a(f) arises. Nor does a violation of 11 C.F.R. § 104.14(d) arise for the Riegle Committee.

"Section 434(a) of Title 2, United States Code, requires that treasurers of political committees file reports of receipts and disbursements in accordance with the provisions of the Act. Section 104.14(d) of Title 11, Code of Federal Regulations, implementing Title 2 provides that "each treasurer of a political committee "...shall be personally responsible for the... accuracy of any information or statement contained in (committee reports)."

The Communications Workers of America Committee on Political Education and Political Contributions Committee treasurer, Louis B. Knecht, failed to accurately report the Committee's primary election contribution to the Riegle for Senate '82 Committee. By not indicating which election the contribution was for on Schedule B of its Report, the Committee treasurer, Louis B. Knecht, violated 11 C.F.R. § 104.14(d).

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UPIU Contributions

Based on the complaint, the responses, and records on file at the Commission, the following transactions occurred between the United Paperworkers International Union Political Education Program (UPIU) and the Riegle respondents:

Amount	Date & Elec. Deisg/Contributor	Date & Elec. Desig/Recipient
$1,000	8/31/81 none	8/31/81 P
1,000	4/23/82 none	4/23/82 P
4,000	7/28/82 none	8/4/82;
		$3,000 P
		$1,000 G

The UPIU response explains that former treasurer Nicholas C. Vrataric died on December 8, 1983. Mr. George O'Bea is the current treasurer. The General Counsel's recommendations will, therefore, refer to Mr. O'Bea in his capacity as treasurer while the body of this report will refer to Mr. Vrataric in his capacity as treasurer during the period in question.

Review of the UPIU reports filed by Mr. Vrataric shows that the "election for" box was not checked off for any candidate to whom UPIU contributed.

The UPIU response asserts that the treasurer's omission of an election designation in both the report disclosing the $4,000 contribution and the cover letter accompanying it (not submitted) was inadvertent. It appears from a review of reports filed by Mr. Vrataric that to the contrary it was consistent with a pattern of omitting an election designation on FEC Reports. Respondent's counsel urges that Mr. Vrataric intended the contribution to be allocated exactly as it was by the Riegle Committee - $3,000 for the primary and $1,000 for the general election based on information from the Riegle committee. Counsel states that "[w]ere Treasurer Vrataric alive, this respondent could have obtained an affidavit to that effect." Counsel asserts that representatives of candidate Riegle inform him that it was the practice between the two committees for the Riegle committee to contact the Respondent when it appeared that a contribution limit might be exceeded "...to secure the contributor's permission to allocate a portion of the contributor's contribution to the general election. . . ." From

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this asserted practice and the allocation in the Riegle reports, counsel for respondent urges the inference "...that they received permission from [Mr.] Vrataric to make such an allocation."

Mr. Patten explains that the Riegle Committee relied upon 11 C.F.R. § 102.9(e) when it received the July 28, 1982, check for $4,000 and allocated $1,000 to the general election and the remaining $3,000 for the primary election. Commission Regulations, however, provide that undesignated contributions received before the date of the primary election must be considered as for that election. 11 C.F.R. § 110.1(a)(2)(ii). Further, there has been no written corroboration of the asserted practice between the Committees. It is impossible to tell from the face of the UPIU reports of receipts and disbursements what election was intended by the treasurer and no copies of transmittal letters or checks containing written designations were submitted. Under the circumstances, this Office believes that while the evidence submitted arguably implies UPIU's intent to make its contributions for both the primary and general elections the Act and regulations require more than the "inference" of consent. A written, contemporaneous designation is required. Thus, the Committee's asserted reliance on 11 C.F.R. § 102.9(e) is unavailing and a violation of 2 U.S.C. § 441a(a)(2)(A) or 2 U.S.C. § 441a(f) arises with respect to the 1982 primary election.

In addition, section 104.14(d) of Title 11, Code of Federal Regulations, provides that "each treasurer of a political committee... shall be personally responsible for the accurate

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filing of (committee reports)". The UPIU treasurer, Mr. Vrataric, failed to accurately report the Committee's primary election contributions to the Riegle for Senate '82 Committee. By not indicating which election the contribution was for on Schedule B of its 1982 July Quarterly and October Quarterly Reports, the IUIU-PEP treasurer violated 11 C.F.R. § 104.14(d). Similarly, the Riegle for Senate '82 Committee treasurer, M.P. Patten, violated 11 C.F.R. § 104.14(d) by redesignating the UPIU $4,000 contribution for the primary and general elections absent some clear, contemporaneous, written designation from the contributor indicating consent to so designate. However, in view of the circumstances, the General Counsel further recommends that the Commission take no further action against UPIU, Mr. George O'Bea, treasurer, the Riegle for Senate in '82 Committee, and Mr. M.P. Patten, treasurer, with respect to either violation of the treasurers' duty to accurately report these contributions.

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RECOMMENDATIONS

1. Find reason to believe that the AFL-CIO Committee on Political Education and Political Contributions Committee and its treasurer, Thomas R. Donahue, and its affiliated committees: the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, treasurer, and the Michigan State AFL-CIO COPE, Walter L. Oliver, treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Riegle for Senate in '82 Committee, but take no further action.

2. Find reason to believe that the AFL-CIO Committee on Political Education and Political Contributions Committee and its treasurer, Thomas R. Donahue, and its affiliated committees: the Industrial Union Department AFL-CIO Voluntary Fund, Elmer Chatak, treasurer, and the Michigan State AFL-CIO COPE, Walter L. Oliver, treasurer, violated 11 C.F.R. § 104.14(d) by inaccurately reporting contributions to the Riegle for Senate in '82 Committee, but take no further action.

3. Find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting excessive contributions in from the AFL-CIO COPE and affiliates, but take no further action.

4. Find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) by inaccurately reporting contributions from the AFL-CIO and its affiliates, but take no further action.

5. Find no reason to believe that the Communications Workers of America Committee on Political Education and Political Contributions Committee and Louis B. Knecht, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making contributions to the Riegle for Senate in '82 Committee.

6. Find reason to believe that the Communication Workers of America Committee on Political Education and Political Contributions Committee violated 11 C.F.R. § 104.14(d) by inaccurately reporting a contribution to the Riegle for Senate in '82 Committee, but take no further action.

7. Find no reason to believe that the Riegle for Senate in '82 Committee, or M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting contributions from the Communications Workers of America Committee on Political Education.

8. Find no reason to believe that the Riegle for Senate in '82 Committee or M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) in reporting contributions from the Communications Workers of America Committee on Political Education.

9. Find reason to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A) by making an excessive contribution to the Riegle for Senate in '82 Committee, but take no further action.

10. Find reason to believe that the United Paperworkers International Union Political Education Program and George O'Bea, as treasurer, violated 11 C.F.R. § 104.14(d) by improperly reporting contributions to the Riegle for Senate in '82 Committee, but take no further action.

11. Find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the United Paperworkers International Union Political Education Program, but take no further action.

12. Find reason to believe that the Riegle for Senate in '82 Committee and M.P. Patten, as treasurer, violated 11 C.F.R. § 104.14(d) inaccurately reporting contributions from the

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United Paperworkers International Union Political Education Program, but take no further action.

13. Approve and send the attached letters.

14. Close the file.

Charles N. Steele
General Counsel

August 3, 1984
Date

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

Attachments
Letters to Respondents
Letter to Complainant's Counsel Closing File
Riegle for Senate in '82 Response
AFL-CIO Response
CWA Response
UPIU Response

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

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

RE: MUR 1648
AFL-CIO COPE

Dear Ms. McCormick:

On , 1984, the Commission found 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") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that contributions in excess of the limits of 2 U.S.C. § 441a and the failure to accurately report contributions under 11 C.F.R. § 104.14(d) nevertheless appear to be a violation of the Act. You should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Attachment 1

(1)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. M. P. Patten, Treasurer
Riegle for Senate in '82 Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

RE: MUR 1648

Dear Mr. Patten:

On , 1984, the Commission found reason to believe that the Riegle for Senate in '82 Committee and you, as treasurer, had violated 2 U.S.C. § 441a(f) and 11 C.F.R. § 104.14(d), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act") and Title 11 of the Code of Federal Regulations in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that acceptance of contributions in excess of the limits of 2 U.S.C. § 441a and the failure to accurately report contributions nevertheless appear to be a violation of the Act and Regulations. You should take immediate steps to insure that this activity does not occur in the future.

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

Sincerely,

Attachment 2

(2)

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Mr. Louis B. Knecht, Treasurer
Communications Workers of America -
COPE-PCC
1925 K Street, N.W., Suite 211
Washington, D.C. 20006

RE: MUR 1648
Communications Workers of
America - COPE-PCC

Dear Mr. Knecht:

On March 26, 1984, the Commission notified the Communications Workers of America - COPE-PCC (the "Committee") and you, as treasurer, 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 your committee, there is no reason to believe that a violation of 2 U.S.C. § 441a(a)(4)(A) has been committed by the Committee or you as treasurer. The Commission determined, however, that there is reason to believe that you, as treasurer, and the Committee violated 11 C.F.R. § 104.14(d) by failing to accurately report a contribution made to the Riegle for Senate '82 Committee. However, the Commission has, in view of the circumstances, determined to take no further action with respect to this matter. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Attachment 3

(3)

8504054380

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Hamilton, Esquire
United Paperworkers International
Union Political Education Program
P.O. Box 1475
Nashville, Tennessee 37202

RE: MUR 1648
United Paperworkers
International Union Political
Education Program
George O'Bea, Treasurer

Dear Mr. Hamilton:

On , 1984, the Commission found reason to believe that your clients had violated 2 U.S.C. § 441a(a)(2)(A) and 11 C.F.R. § 104.14(d), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act") and the Code of Federal Regulations, in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that making undesignated contributions prior to a primary election in excess of $5,000 nevertheless appears to be a violation of 2 U.S.C. § 441a(a)(2)(A). You should take immediate steps to ensure that this activity does not occur in the future.

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

Sincerely,

Attachment 4

(4)

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Riegle for Senate in '88 Committee

April 10, 1984

MUR 1648
Reyes

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

In response to your letter of March 26, 1984, I wish to reply, as Treasurer to the Riegle for Senate in '82 Committee, on behalf of all Riegle Committee-related respondents[1] to the Complaint filed by James Edward Antosh. That Complaint alleges that the Committee accepted contributions in excess of the lawful limit from certain labor organization political action committees and their alleged affiliates.

As set forth below, the Complaint is without foundation and should be dismissed.

CONTRIBUTIONS FROM AFL-CIO COPE-PCC AND AFFILIATES

Complainant alleges that contributions in excess of the lawful limit were received by the Committee from AFL-CIO COPE-PCC and these affiliates: the Michigan State AFL-CIO COPE Voluntary Fund (Michigan COPE) and the Industrial Union Department AFL-CIO Voluntary Fund (IU Fund). It is alleged that, following a primary contribution of $4,750 from AFL-CIO COPE, these affiliates made additional contributions over the primary period for primary election purposes, which placed the Committee over the lawful multicandidate committee limit by $625.00.

The Committee respectfully submits that there was no violation of FECA dollar limitations in connection with these contributions. In fact, the Committee designated the alleged "surplus" for use only in connection with the general election, and did so pursuant to communications to this effect with the IU Fund. This committee made a contribution of $500.00 to the Committee on the understanding that if the aggregate $5,000 primary contribution limit of AFL-CIO COPE and its affiliates was being approached by these committees, Riegle for Senate in '82 could allocate a portion of funds received to general election purposes under 11 C.F.R. section 102.9 (e). The amounts allocated in this fashion would be treated and managed by

[1]Specifically, I am responding on behalf of Donald W. Riegle, Jr., Sherwood Colburn, and the Riegle for Senate in '82 Committee.

Paid for by the Riegle for Senate in '88 Committee. A copy of our report is filed with and may be purchased from the Federal Election Commission, Washington, D.C. M.P. Patten, Treasurer.

ATTACHMENT 5

5

the Committee as related to, and available for, the general election period only. On this basis, the Committee elected to designate and reserve $125.00 of the IU Fund contribution for the primary, and the remaining $375.00 for the general election.

The $125/$375 allocation made by the IU Fund was not correctly reported in the first instance. Amendments filed on April 9, 1984, will, however, correct the record on this score.[3]

In addition, Complainant alleges an additional primary contribution from IU Fund of $250. This contribution was never received by the Committee, a fact verified by the Committee with IU Fund. In fact, IU Fund is unable to locate a cancelled check in this amount which would demonstrate that it ever existed, much less was ever sent to the Committee.

CWA COPE

Two contributions were received by the Committee from CWA COPE - one for the primary (June 5, 1981) and the other for the general (December 4, 1981) pursuant to section 102.9 (e) of the FEC Regulations. While CWA did not clearly report the contribution of December 4, 1981, as related to the general election only, this was, in fact, the understanding and the Committee acted accordingly in treating this contribution as available only for general election purposes.

UNITED PAPERWORKERS INTERNATIONAL UNION - POLITICAL EDUCATION PROGRAM

Similar confusion has risen over three contributions received by the Committee from the United Paperworkers International Union Political Education Program (UP Program). Following contributions totalling $2,000 received on August 31, 1981, and April 23, 1982,

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[2]In July, 1982, an additional $125.00 was received from Michigan COPE which the Committee treated as related to, and available for, the August primary, because the Committee's primary election limit had not yet been exhausted with respect to the AFL-CIO COPE affiliates.

[3]Likewise, the Committee incorrectly reported contributions received for the general election from the Political Fund of the Building and Construction Trades. These contributions were correctly reported by the Building Trades as contributed and intended for the general election, which correctly reflects the Committee's understanding at the time. A corrective amendment has also been filed by the Committee on these contributions.

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a $4,000 contribution subsequently received on July 28, 1982, was designated, in part, for the general election only: $1,000 was set aside specifically for the general, while the remaining $3,000 was allocated for current primary purposes. This allocation was clearly reflected on the Committee's reports.

CONCLUSION

In any event, while there may have been some confusion over the section 102.9 (e) designation of the IU contribution of March, 1982, the public record is now clear on this and other contributions from AFL-CIO COPE and its affiliates. Moreover, it is clear that the Committee was able then, as now, to show that funds received for the general election related purposes were indeed used for these purposes only. The Committee raised $1,255,033.33 in funds prior to the primary, but spent only $402,585.32 (or 32.1% of all 1982 election receipts) on a primary in which the Senator was unopposed for his party's U.S. Senate nomination. There was no intent to gain, nor any gain in fact, in obtaining general election contributions before the primary pursuant to section 102.9 (e). The record of the Committee's finances over the primary and general election campaign periods show, instead, that the Committee devoted much of the primary period on activities much like those at issue here - raising funds for the contested, substantially more costly general election campaign.

Very truly yours,

M.P. Patten

M.P. Patten
Treasurer

MPP/jv

cc: Donald W. Riegle, Jr.
Sherwood Colburn

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GCC # 3071

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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Vincent R. Sombrotto
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Owen Bieber

May 7, 1984

MUR 1648
Reyes

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

MAY 7 P4:36

Re. FEC MUR 1648

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, the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund"), Walter Oliver, and the Michigan State AFL-CIO COPE Voluntary Fund ("Michigan COPE") (hereinafter "respondents") to your letter dated March 26, 1984, stating that the Commission has received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint, which the Commission has numbered MUR 1648, alleges that respondents violated 2 U.S.C. 44la(a)(2)(A) by contributing in excess of $5000 to the Riegle for Senate in '82 Committee ("Riegle Committee") for the 1982 primary election.

Respondent committees' 1982 contribution records reflect the following contributions to the Riegle Committee for the 1982 primary election: COPE-PCC contributed $4,750 for the primary election on 6/26/81; the IUD Voluntary Fund contributed $250 for the primary election on 6/29/81; the IUD Voluntary Fund contributed $500 for the primary on 3/5/82; and the Michigan COPE contributed $125 for the primary on 7/20/82.

In March 1984, the IUD Voluntary Fund discovered, in the course of reviewing its 1982 contribution records, that the committee's 6/29/81 contribution in the amount of $250 was never received by the Riegle Committee. The IUD Voluntary Fund then voided its check for that contribution and filed an amendment to its June 1981 FEC report reflecting that void. A copy of that amendment is attached hereto. (See Attachment A).

Attachment 6

(8)

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On March 23, 1984, prior to receiving notification of the complaint in this matter, the IUD Voluntary Fund redesignated its March 5, 1982 contribution to the Riegle Committee as $125 for the primary election and $375 for the general election. The committee filed an amendment to its March 1982 FEC report reflecting that redesignation on March 23, 1984. A copy of that amendment is attached hereto. (See Attachment B).

As a result of the voiding of the IUD Voluntary Fund's 6/26/81 contribution and the redesignation for the general election of $375 of the IUD Voluntary Fund's 3/5/82 contribution, respondent political committees' contributions to the Riegle Committee for the 1982 primary election now total $5000 — the maximum amount permitted by 2 U.S.C. §441a(a)(2)(A).

For the foregoing reasons, respondents respectfully request that the Commission take no further action in 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.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for respondents

8504054386

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 ST. NW

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

5. Covering Period JUNE 1 through JUNE 30, 1981

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on hand January 1, 19 81		$ 168.53
(b) Cash on Hand at Beginning of Reporting Period	$ 5066.97	
(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)	$ 5066.97	$ 6,168.53
7. Total Disbursements (from Line 28)	$ 4000.00	$ 5101.56
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 1066.97	$ 1066.97
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.

ELMER CHATAK
Type or Print Name of Treasurer

Elmer Chatak
SIGNATURE OF TREASURER

APR. 23, 1981
Date

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

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)

10

rv. 1978
al Election Commission
K Street, N.W.
ngton, D.C. 20463

Loans (Loan Repayments and Refunds Made)
Support Lines 20a, 21a, and 22a, 22b, and 22c
of FEC FORM 3

(Use Separate Schedules for each numbered line)

ame of Candidate or Committee in Full

ndustrial Union Department, AFL-CIO Voluntary Fund

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
oyne For Congress Committee .O. Box 37446 ashington, D.C. 20013	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-5-81	125.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
ROPAC illiam Wynn .O. Box 14262 en Franklin Station ashinton, D.C. 20044	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-5-81	500.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
ommittee To Reelect Senator Kennedy .O. Box 1400 oston, Mass. 02205	Contribution Expenditure for: ☒ Primary ☒ General ☐ Other	6-11-81	1,000.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
cnor For Congress Committee 440 Bradford Ct. # 240 lexandria, Va. 22311	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-22-81	250.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
erraro For Congress 1982 /o M. Akerstein 20 - 11th St., N.E. ashington, D.C. 2002	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-22-81	150.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
etsui For Congress Committee .O. Box 2884	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-22-81	200.00
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
he Honorable Don Riegle nited States Senate ashington, D.C. 20510	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-29-81	~~250.00~~ (Void)
ull Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
	Expenditure for: ☐ Primary ☐ General ☐ Other		

UBTOTAL of expenditures this page (optional)	$ ~~2,275.00~~ 2,225
OTAL this period (last page this line number only)	$ ~~4,250.00~~ 4,000.00

ATTACHMENT 8

For a Political Committee Other Than an Authorized Committee

(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 St NW Rm. 301

City, State and ZIP Code

WASHINGTON DC 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 MARCH 1982

☐ 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

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SUMMARY

5. Covering Period MARCH 1, 1982 through MARCH 31, 1982

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on hand January 1, 1982		$ 3152.72
(b) Cash on Hand at Beginning of Reporting Period	$ 452.72	
(c) Total Receipts (from Line 18)	$ 5000.00	$ 5000.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 5452.72	$ 8152.72
7. Total Disbursements (from Line 28)	$ 1850.00	$ 4550.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 3602.72	$ 3602.72
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.

ELMER CHATAK
Type or Print Name of Treasurer

Elmer Chatak
SIGNATURE OF TREASURER

MARCH 23, 1984
Date

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

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 3s are obsolete and should no longer be used.

FEC FORM 3X (3/80)

SCHEDULE B ITEMIZED DISBURSEMENTS

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)

Industrial Union Department, AFL-CIO Voluntary Fund

A. Full Name, Mailing Address and ZIP Code Don Bonker For Congress Committee 320 E. Capitol St., NE Washington, D.C. 20003	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/5/82	Amount of Each Disbursement This Period $250.0
B. Full Name, Mailing Address and ZIP Code Mike Lowry For Congress Committee 210 7th St., SW #B-15 Washington, D.C. 20003	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/5/82	Amount of Each Disbursement This Period $250.00
C. Full Name, Mailing Address and ZIP Code Riegle For Senate In '82 Committee PO Box 2884 Washington, D.C. 20003	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 3/5/82	Amount of Each Disbursement This Period $125 Primary ~~$500.00~~ $375 General
D. Full Name, Mailing Address and ZIP Code Parren J. Mitchell For Congress Comm PO Box 9047 Washington, D.C. 20003	Purpose of Disbursement Contribution Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/5/82	Amount of Each Disbursement This Period $100.00
E. Full Name, Mailing Address and ZIP Code James J. Florio Campaign Committee PO Box 8029 Southwest Station Washington, D.C. 20024	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/16/82	Amount of Each Disbursement This Period $500.00
F. Full Name, Mailing Address and ZIP Code Fithian For U.S. Senate 1911 Rhode Island Ave. McLean, VA 22101	Purpose of Disbursement Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	Date (month, day, year) 3/17/82	Amount of Each Disbursement This Period $250.00
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			$1,850.00
TOTAL This Period (last page this line number only)			$1,850.00

84 MAR 2 A9:22

James B. Booe
Chairman

CWA-COPE
Political Contributions Committee

Louis B. Knecht
Treasurer

MUR 1648
Reyes

84 MAR 2 A11:09

8504054389 1

March 30, 1984

File: 1.34

Mr. Paul Reyes
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20403

Re: MUR-1643

Dear Mr. Reyes:

We request that the above referenced complaint filed against CWA COPE PCC be dismissed.

On June 5, 1981 our Committee contributed $5,000 to the Riegle for Senate in '82 Committee and designated it for the primary campaign. This transaction was duly reported on our monthly FEC filing and I have attached a copy of that report for your benefit. I have also attached a copy of our standard request form dated June 5, 1981 that clearly indicates that the contribution was indeed designated for the primary.

On December 4, 1981 our Committee contributed an additional $5,000 to the Riegle for Senate in '82 Committee which was also duly reported in our FEC filing. We inadvertantly omitted the fact that this contribution was to be designated for the general election. I have attached a copy of our request form dated December 4, 1981 that clearly shows to which campaign the contribution was to be designated. It was apparently omitted in what was then the new keypunching process for our FEC reports.

ATTACHMENT 7

(14)

1925 K Street, N.W. Suite 211 Washington, D.C. 20006 (202) 785-6737 (202) 785-5875

Paid for and authorized by CWA on behalf of a joint fundraising effort for CWA-COPE PCC and the AFL-CIO COPE PCC.

It is clear from a review of these facts that we operated within the contribution limits set by the statute, and thereby request that this complaint be duly dismissed.

Sincerely,

Fred G. Hassen

Fred G. Hassen
Assistant Treasurer

/pam

8504054389 2

REQUEST FOR CWA COPE CONTRIBUTION

Mich Senate

TO: Jim Booe, Chairman
ATTN: Loretta Bowen

DATE June 5, 1981

From: Riegle

CANDIDATE: Donald W. Riegle, Jr.

Check Requested By: M. Hughes

Request Cleared With V.P. M. Hughes

Check Charged To: DISTRICT/ACCOUNT Split STATE Michigan TC _____ IC x

CHECK PAYABLE TO: Riegle for Senate in '82 Committee
(NAME OF CANDIDATE'S COMMITTEE)

ADDRESS OF CANDIDATE'S COMMITTEE: 9601 Blincoe Court
Burke, VA 22015

AMOUNT: $5,000.00

Upon Agreement:

AMOUNT CHARGED TO HEADQUARTERS: $2,500.00

AMOUNT CHARGED TO STATE: $2,500.00

OFFICE SOUGHT: Senate - Michigan

PARTY: DEMOCRAT (1) x REPUBLICAN (2) _____ INDEPENDENT (3) _____

ELECTION STATUS: INCUMBENT (1) x CHALLENGER (2) _____ OPEN SEAT (3) _____

FUND CODE: PRIMARY (1) x GENERAL (2) _____ RUNOFF (3) _____

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)

CWA-COPE PCC

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Meshel for Congress Committee 786 Fairgreen Avenue Youngstown, Ohio 44510	1980 Deficit Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	$ 2,500.00
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Committee to Re-Elect Congressman Mario Biaggi 299 Broadway - Suite 1500 New York, New York 10007	1980 Deficit Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	500.00
C. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Coyne for Congress Committee P. O. Box 37446 Washington, D. C.	14th C. D. Penna. Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	500.00
D. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Riegle for Senate in '82 Committee 9601 Blinco Court Burke, Virginia 22015	U. S. Senate Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/5/81	5,000.00
E. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Democrats for the 80's Post Office Box 3797 Washington, D. C. 20007	Contribution to PAC Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/5/81	4,000.00
F. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Fund for A Democratic Majority P. O. Box 1400 Washington, D. C. 20013	Membership Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/26/81	1,000.00
G. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Fund for A Democratic Majority P. O. Box 1400 Washington, D. C. 20013	Membership Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/2/81	1,000.00
H. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Congressman Waxman Campaign Committee Post Office Box 23349 Washington, D. C. 20024	24th C. D. California Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/8/81	250.00
I. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Congressman Kildee Committee 8007 Snowpine Way McLean, Virginia 22101	7th C. D. Michigan Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/8/81	250.00
SUBTOTAL of Disbursements This Page (optional)			15,000.00
TOTAL This Period (last page this line number only)			

REQUEST FOR CWA COPE CONTRIBUTION

Riegle

TO: Jim Booe, Chairman
ATTN: Loretta Bowen

DATE 12/4/81

From: Mich

CANDIDATE: Donald W. Riegle, Jr.

Check Requested By: M. Hughes Request Cleared With V.P.

Check Charged To: DISTRICT/ACCOUNT 4 STATE MI TC IC x

CHECK PAYABLE TO: Riegle for Senate in '82 Committee
(NAME OF CANDIDATE'S COMMITTEE)

ADDRESS OF CANDIDATE'S COMMITTEE: 9601 Elincoe Court
Burke, VA 22015

AMOUNT: $5,000.00 Upon Agreement: Booe/Hughes

AMOUNT CHARGED TO HEADQUARTERS:

AMOUNT CHARGED TO STATE: $5,000.00

OFFICE SOUGHT: Senate - Michigan

PARTY:	DEMOCRAT (1) x	REPUBLICAN (2)	INDEPENDENT (3)
ELECTION STATUS:	INCUMBENT (1) x	CHALLENGER (2)	OPEN SEAT (3)
FUND CODE:	PRIMARY (1)	GENERAL (2) x	RUNOFF (3)

8504054389 5

(18)

SCHEDULE 3 — C W A C O P E P C C — LINE NO : 021

NAME, MAILING ADDRESS & ZIP CODE	PARTICULARS OF EXPENDITURE	DATE	AMOUNT OF EXPENDITURE
RIEGLE FOR SENATE '82' COMM 9601 BLINCOE COURT BURKE VA 22015	004	12/04/81	5,000.00
COMM FOR AMERICAN PRINCIPLES 2000 N STREET NW 105 WASHINGTON DC 20036	005	12/04/81	1,000.00
DORGAN FOR CONGRESS COMM BOX 400 BISMARCK ND 58502	U S HSE OF REP 007 PRIMARY	12/16/81	1,000.00
FRIENDS OF JIM SASSER 1730 PA AVE NW WASHINGTON DC 20006	SENATE-TENN 010 GENERAL	12/22/81	2,000.00
GEORGE E BROWN COMMITTEE P O BOX 1471 RIVERSIDE CA 92502	CONGRESS-REP 011	12/23/81	700.00

TOTAL EXPENDITURE AMOUNT FOR LINE NO : 021 $9,700.00

100 YEARS 1884-1984

UNITED PAPERWORKERS INTERNATIONAL UNION

WAYNE E. GLENN
President

LEGAL DEPARTMENT
LYNN AGEE, Esq.
MICHAEL HAMILTON, Esq.
MELINDA J. BRANSCOMB, Esq.
MARK M. BROOKS, Esq.

GCC# 2162

April 12, 1984

MUR 1648
Reyes

APR 17 P3:54

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1648

Dear Mr. Steele:

I am in receipt of your letter of March 26, 1984, enclosing a complaint which alleges that the United Paperworkers International Union--Political Education Program and Nicholas C. Vrataric, individually and as Treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended (hereinafter referred to as "The Act"). The complaint alleges that United Paperworkers International Union--Political Education Program (hereinafter referred to as "UPIU--PEP") violated the Act by contributing in excess of $5,000 to candidate Donald W. Riegle, Jr., and the Riegle for Senate in '82 Committee for the 1982 federal primary election, and by failing to designate whether a $4,000 contribution made on July 28, 1982 and received on August 4, 1982, by the Riegle for Senate in '82 Committee was intended for the primary or the general election.

This letter will constitute UPIU--PEP's and Nicholas C. Vrataric's response to the aforementioned complaint. For the reasons set forth below, we request that the Commission take no further action against UPIU--PEP in connection with this matter under review.

As indicated in Paragraph 2(m) of the complaint, at the times material to this matter under review, Nicholas C. Vrataric was Treasurer of United Paperworkers International Union--Political Education Program. However, Nicholas C. Vrataric died on December 8, 1983, and therefore, the undersigned will be unable to provide the Commission with any sworn statements from Mr. Vrataric regarding how certain contributions were intended to be allocated.

ATTACHMENT 8

INTERNATIONAL HEADQUARTERS: P. O. BOX 1475 • NASHVILLE, TENNESSEE 37202 • TELEPHONE (615) 254-6666

8504054389 7

Re: MUR 1648

During the period relevant to this complaint, UPIU--PEP made three contributions to candidate Donald W. Riegle, Jr. and the Riegle for Senate in '82 Committee. The amounts of the contributions and the dates they were made are set forth below:

8/31/81	$1,000
4/13/82	$1,000
7/28/82	$4,000

As Paragraph 18 of the complaint indicates, the aforementioned $4,000 contribution was not received by the candidate and his Committee until August 4, 1982, the day after the federal primary election. Candidate Riegle and his Committee allocated $3,000 of the $4,000 contribution to the primary, and $1,000 to the general election. Therefore, UPIU--PEP's contributions for the primary did not exceed the allowable limit. While UPIU--PEP Treasurer Vrataric inadvertently failed to designate how the $4,000 contribution was intended to be allocated in the quarterly report to the Commission, and in the cover letter to candidate Riegle and his Committee, Vrataric did not intend to violate the law, but rather intended the contribution to be allocated in exactly the manner in which candidate Riegle and his Committee allocated it. Were Treasurer Vrataric alive, this respondent could have obtained an affidavit to that effect. In any event, the undersigned has been informed by representatives of candidate Riegle that if it appeared that a primary contribution would exceed the allowable limit, the Committee would contact the contributor to secure the contributor's permission to allocate a portion of the contribution to the general election. Since the candidate's Committee's report reflects such an allocation, it can be inferred that they received permission from Vrataric to make such an allocation.

In order to rectify Treasurer Vrataric's inadvertent failure to designate on the report which portion of the $4,000 contribution was intended for the primary and the general elections, we are submitting simultaneously an amended report which reflects UPIU--PEP's intended allocation of the $4,000 contribution. Further, since March, 1983, Mr. George O'Bea has served as Treasurer of UPIU--PEP and has initiated procedures which assure that proper designations are made in both the quarterly reports and in cover letters to receiving committees.

8 5 0 4 0 5 4 3 8 9 8

Re: MUR 1648

Inasmuch as the nature of Treasurer Vrataric's violation of the reporting provisions of the Act was purely technical; candidate Riegle and his Committee properly allocated the $4,000 contribution in accordance with the intentions of UPIU--PEP, thus satisfying the Act's contribution limitations; UPIU--PEP is filing an amended report to the Commission reflecting the proper allocation of the contribution; and UPIU--PEP has implemented procedures which assure proper designation in reports and cover letters, I respectfully submit that no further action in this matter under review is warranted.

Respectfully submitted,

Michael Hamilton

Michael Hamilton

MH:sq

cc: Wayne E. Glenn, President, UPIU
John Defee, Secretary-Treasurer
George O'Bea, PEP Director
Glenn Goss, Vice President, UPIU Region IX

8504054390 0

STATE[illegible] OF DESIGNATION OF COUN[illegible]

MUR 1648

NAME OF COUNSEL: MICHAEL HAMILTON

ADDRESS: 3340 Perimeter Hill

P.O. Box 1475

Nashville, TN 37202

TELEPHONE: 615-834-8590

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.

April 12, 1984
Date

Wayne E. Glenn
Signature
WAYNE E. GLENN, President
UNITED PAPERWORKERS INT'l UNION

RESPONDENT'S NAME: UPIU - POLITICAL EDUCATION PROGRAM

ADDRESS: 3340 Perimeter Hill

P.O. Box 1475

Nashville, TN 37202

HOME PHONE:

BUSINESS PHONE: 615-834-8590

85040543901

1 APR 17 P3:54

23

RECEIVED AT THE FEC
GCC# 2162

UNITED PAPERWORKERS INTERNATIONAL UNION

WAYNE E. GLENN
President

LEGAL DEPARTMENT
LYNN AGEE, Esq.
MICHAEL HAMILTON, Esq.
MELINDA J. BRANSCOMB, Esq.
MARK M. BROOKS, Esq.

April 12, 1984

MUR 1648
Reyes

APR 17 P3:54

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. Charles N. Steele
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 1648

Dear Mr. Steele:

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This letter will constitute UPIU--PEP's and Nicholas C. Vrataric's response to the aforementioned complaint. For the reasons set forth below, we request that the Commission take no further action against UPIU--PEP in connection with this matter under review.

As indicated in Paragraph 2(m) of the complaint, at the times material to this matter under review, Nicholas C. Vrataric was Treasurer of United Paperworkers International Union--Political Education Program. However, Nicholas C. Vrataric died on December 8, 1983, and therefore, the undersigned will be unable to provide the Commission with any sworn statements from Mr. Vrataric regarding how certain contributions were intended to be allocated.

8 5 0 4 0 5 4 3 9 0 2

INTERNATIONAL HEADQUARTERS: P. O. BOX 1475 • NASHVILLE, TENNESSEE 37202 • TELEPHONE (615) 254-6666

Re: MUR 1648

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8/31/81	$1,000
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In order to rectify Treasurer Vrataric's inadvertent failure to designate on the report which portion of the $4,000 contribution was intended for the primary and the general elections, we are submitting simultaneously an amended report which reflects UPIU--PEP's intended allocation of the $4,000 contribution. Further, since March, 1983, Mr. George O'Bea has served as Treasurer of UPIU--PEP and has initiated procedures which assure that proper designations are made in both the quarterly reports and in cover letters to receiving committees.

8 5 0 4 0 5 4 3 9 0 3

Re: MUR 1648

Inasmuch as the nature of Treasurer Vrataric's violation of the reporting provisions of the Act was purely technical; candidate Riegle and his Committee properly allocated the $4,000 contribution in accordance with the intentions of UPIU--PEP, thus satisfying the Act's contribution limitations; UPIU--PEP is filing an amended report to the Commission reflecting the proper allocation of the contribution; and UPIU--PEP has implemented procedures which assure proper designation in reports and cover letters, I respectfully submit that no further action in this matter under review is warranted.

Respectfully submitted,

Michael Hamilton

Michael Hamilton

MH:sq

cc: Wayne E. Glenn, President, UPIU
John Defee, Secretary-Treasurer
George O'Bea, PEP Director
Glenn Goss, Vice President, UPIU Region IX

8504054390 4

CERTIFIED

P 301 528 189

MAIL

FROM

UNITED PAPERWORKERS INTERNATIONAL UNION
AFL CIO CLC
702 CHURCH STREET
P.O. BOX 1475
NASHVILLE, TENNESSEE 37202

To

CERTIFIED MAIL--
RETURN RECEIPT REQUESTED

Mr. Charles N. Steele
General Counsel
Federal Election Commission
~~Washington, D.C. 20463~~ 20463

FIRST CLASS MAIL

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS /JODY C. RANSOM jcr

DATE: MAY 8, 1984

SUBJECT: MUR 1648 - First General Counsel's Report signed May 7, 1984

The above-named document was circulated to the Commission on a 24 hour no-objection basis at 4:00, May 7, 1984.

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

8504054390 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel

DATE: May 7, 1984

SUBJECT: MUR 1648 - First General Counsel's Report

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

Open Session _____

Closed Session _____

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

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SENSITIVE

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

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

84 MAY 7 P12: 28

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION 5/7/84 - 12:10

MUR NO. 1648
DATE COMPLAINT RECEIVED BY OGC 3/16/84
DATE OF NOTIFICATION TO RESPONDENT 3/26/84
STAFF MEMBER
Paul R. Reyes

COMPLAINANT'S NAME: Mr. James Edward Antosh
c/o Center on National Labor Policy

RESPONDENTS' NAMES: AFL-CIO COPE-PCC
Thomas Donahue, individually and as treasurer of AFL-CIO COPE-PCC
Elmer Chatak, individually and as treasurer of I.U.D. COPE
Walter Oliver, individually and as treasurer of Michigan State COPE
Communications Workers of America PEPC
Louis B. Knecht, individually and as treasurer of Communications Workers of America PEPC
United Paperworkers International Union PEP
George O'Bea, individually and as treasurer of United Paperworkers International Union PEP
Riegle for Senate in '82
M.P. Patten, individually and as treasurer of Riegle for Senate in '82

RELEVANT STATUTES: 2 U.S.C. § 441a(f)
2 U.S.C. § 441a(a)(2)
11 C.F.R. § 110.1(a)(1), (2)
11 C.F.R. § 110.2(a)(i)

INTERNAL REPORTS CHECKED: Committee Reports

8504054390 8

SUMMARY OF ALLEGATIONS

On March 16, 1984, the Commission received from James Edward Antosh a complaint alleging that the AFL-CIO COPE-PCC and two affiliated separate segregated funds, International Union

Department COPE (IU-COPE) and the Michigan State COPE (Michigan COPE) violated 2 U.S.C. § 441a(a)(2) by making excessive contributions to the Riegle for Senate in '82 Committee. The treasurers of each of the three respondent committees are named individually and in their capacity as treasurers as respondents pursuant to 11 C.F.R. § 104.14(d).

The complaint alleges further that the Communications Workers of America COPE-PCC (CWA) and the United Paperworkers International Union-Political Education Program (UPIU), two unaffiliated committees, have also made excessive contributions in violation of 2 U.S.C. § 441a(a)(2) to the Riegle for Senate in '82 Committee. The treasurers of each committee are named individually and in their capacities as treasurers pursuant to 11 C.F.R. § 104.14(d).

The Riegle for Senate in '82 Committee (the Committee) is alleged to have violated 2 U.S.C. § 441a(f) by accepting the above alleged contributions. The treasurer for the Committee is named individually and in his capacity as treasurer.

In support of his allegations, the complainant has made detailed assertions regarding the making and acceptance of contributions by the respondents. Considerable documentation has been supplied by the complainant, assertedly in support of his allegations.

All respondents were notified of this complaint on March 26, 1984. Following receipt of the complaint, the AFL-CIO respondents requested a twenty-five day extension of the standard fifteen-day period within which respondents are asked to submit

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any responses they wish to make to notifications of complaints. Because of business demands of respondents' counsel, these requests were granted. The AFL-CIO response is due by May 7, 1984, and a report will be submitted to the Commission shortly thereafter.

Charles N. Steele
General Counsel

May 7, 1984
Date

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

8504054391 0

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1984

Margaret E. McCormick, Esquire
AFL-CIO Legal Department
815 Sixteenth Street, N.W.
Washington, D.C. 20006

RE: MUR 1648

Dear Ms. McCormick:

This is in response to your letter of April 3, 1984, which was received at the Federal Election Commission on April 9, 1984, which requests an extension of time to file a response in MUR 1648.

In view of your conflicting business demands, the Commission hereby grants an additional 25 days from the original due date of April 12, 1984, in which to file a response in MUR 1648. We will, therefore, expect your response by May 7, 1984.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

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American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000

EXECUTIVE COUNCIL 84 APR 9 A9:28

LANE KIRKLAND PRESIDENT THOMAS R. DONAHUE SECRETARY-TREASURER

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Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

April 3, 1984

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

Re: FEC MUR 1648

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from April 12, 1984, until May 7, 1984, for respondents' Walter Oliver, Michigan State AFL-CIO COPE Voluntary Fund, Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund, the AFL-CIO Committee on Political Education Political Contributions Committee and Thomas R. Donahue (hereinafter "respondents") to respond to the complaint in the above-referenced matter.

Respondents received the complaint in the above-referenced matter on March 28, 1984. Due to the fact that the undersigned is also counsel for the respondents in FEC MURs 1647, 1646, 1650 and 1641 for which the reponses are due on 4/6/84, 4/7/84 and 4/11/84 and is required to be out of the city on business for a week following the filing of those responses, it would be difficult, if not impossible, to prepare a proper reply in this matter without the requested extension.

Accordingly, I respectfully request an extension of time in which to file the reply of respondents from April 12, 1984 until May 7, 1984.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents Walter Oliver, Michigan State AFL-CIO COPE Voluntary Fund, Elmer Chatak, Industrial Union Department Voluntary Fund, Thomas R. Donahue, AFL-CIO COPE Political Contributions Committee

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GCC# 3071

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
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J. C. Turner
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John DeConcini
Joyce D. Miller
James E. Hatfield
Vincent R. Sombrotto
Marvin J. Boede
Owen Bieber

May 7, 1984

MUR 1648
Rayco

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

MAY 7 P4:36

Re. FEC MUR 1648

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, the Industrial Union Department AFL-CIO Voluntary Fund ("IUD Voluntary Fund"), Walter Oliver, and the Michigan State AFL-CIO COPE Voluntary Fund ("Michigan COPE") (hereinafter "respondents") to your letter dated March 26, 1984, stating that the Commission has received a complaint alleging that respondents may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). The complaint, which the Commission has numbered MUR 1648, alleges that respondents violated 2 U.S.C. 441a(a)(2)(A) by contributing in excess of $5000 to the Riegle for Senate in '82 Committee ("Riegle Committee") for the 1982 primary election.

Respondent committees' 1982 contribution records reflect the following contributions to the Riegle Committee for the 1982 primary election: COPE-PCC contributed $4,750 for the primary election on 6/26/81; the IUD Voluntary Fund contributed $250 for the primary election on 6/29/81; the IUD Voluntary Fund contributed $500 for the primary on 3/5/82; and the Michigan COPE contributed $125 for the primary on 7/20/82.

In March 1984, the IUD Voluntary Fund discovered, in the course of reviewing its 1982 contribution records, that the committee's 6/29/81 contribution in the amount of $250 was never received by the Riegle Committee. The IUD Voluntary Fund then voided its check for that contribution and filed an amendment to its June 1981 FEC report reflecting that void. A copy of that amendment is attached hereto. (See Attachment A).

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On March 23, 1984, prior to receiving notification of the complaint in this matter, the IUD Voluntary Fund redesignated its March 5, 1982 contribution to the Riegle Committee as $125 for the primary election and $375 for the general election. The committee filed an amendment to its March 1982 FEC report reflecting that redesignation on March 23, 1984. A copy of that amendment is attached hereto. (See Attachment B).

As a result of the voiding of the IUD Voluntary Fund's 6/26/81 contribution and the redesignation for the general election of $375 of the IUD Voluntary Fund's 3/5/82 contribution, respondent political committees' contributions to the Riegle Committee for the 1982 primary election now total $5000 — the maximum amount permitted by 2 U.S.C. $441a(a)(2)(A).

For the foregoing reasons, respondents respectfully request that the Commission take no further action in 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.

Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for respondents

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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 ST. NW

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

5. Covering Period JUNE 1 through JUNE 30, 1981

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on hand January 1, 1981		$ 168.53
(b) Cash on Hand at Beginning of Reporting Period	$ 5066.97	
(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)	$ 5066.97	$ 6,168.53
7. Total Disbursements (from Line 28)	$ 4000.00	$ 5101.56
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 1066.97	$ 1066.97
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.

ELMER CHATAK
Type or Print Name of Treasurer

Elmer Chatak
SIGNATURE OF TREASURER

FEB. 23, 1984
Date

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

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)

REVISED
January, 1978
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

(Operating, Transfer Out, Contributions Made, Loans, Loan Repayments and Refunds Made) Supporting Lines 20a, 21a, and 22a, 22b, and 22c of FEC FORM 3

(Use Separate Schedules for each numbered line)

Name of Candidate or Committee in Full

Industrial Union Department, AFL-CIO Voluntary Fund

Full Name, Mailing Address and ZIP Code	Particulars of Expenditure	Date (month, day, year)	Amount of each expenditure this period
Coyne For Congress Committee P.O. Box 37446 Washington, D.C. 20013	Contribution Expenditure for: x ☑ Primary ☐ General ☐ Other	6-5-81	125.00
PROPAC William Wynn P.O. Box 14262 Ben Franklin Station Washinton, D.C. 20044	Contribution Expenditure for: ☑ Primary ☐ General ☐ Other	6-5-81	500.00
Committee To Reelect Senator Kennedy P.O. Box 1400 Boston, Mass. 02205	Contribution Expenditure for: ☒ Primary ☒ General ☐ Other	6-11-81	1,000.00
Bonior For Congress Committee 5440 Bradford Ct. # 240 Alexandria, Va. 22311	Contribution Expenditure for: x ☑ Primary ☐ General ☐ Other	6-22-81	250.00
Ferraro For Congress 1982 c/o M. Akerstein 720½ - 11th St., N.E. Washington, D.C. 2002	Contribution Expenditure for: x ☑ Primary ☐ General ☐ Other	6-22-81	150.00
Matsui For Congress Committee P.O. Box 2884	Contribution Expenditure for: x ☑ Primary ☐ General ☐ Other	6-22-81	200.00
The Honorable Don Riegle United States Senate Washington, D.C. 20510	Contribution Expenditure for: ☒ Primary ☐ General ☐ Other	6-29-81	~~250.00~~ (Void)
Full Name, Mailing Address and ZIP Code	Particulars of Expenditure Expenditure for: ☐ Primary ☐ General ☐ Other	Date (month, day, year)	Amount of each expenditure this period

SUBTOTAL of expenditures this page (optional)	$ ~~2,475.00~~ 2,225
TOTAL this period (last page this line number only)	$ ~~4,250.00~~ 4,000.00

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

ATTACHMENT B

(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 St NW Rm. 301

City, State and ZIP Code
WASHINGTON DC 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 MARCH 1982
☐ 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

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SUMMARY

5. Covering Period MARCH 1, 1982 through MARCH 31, 1982

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on hand January 1, 19 82		$ 3152.72
(b) Cash on Hand at Beginning of Reporting Period	$ 452.72	
(c) Total Receipts (from Line 18)	$ 5000.00	$ 5000.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	$ 5452.72	$ 8152.72
7. Total Disbursements (from Line 28)	$ 1850.00	$ 4550.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	$ 3602.72	$ 3602.72
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.

ELMER CHATAK
Type or Print Name of Treasurer

Elmer Chatak
SIGNATURE OF TREASURER

MARCH 23, 1984
Date

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

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)

SCHEDULE B — ITEMIZED DISBURSEMENTS — (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)

Industrial Union Department, AFL-CIO Voluntary Fund

Full Name, Mailing Address and ZIP Code	Purpose of Disbursement / Disbursement for	Date (month, day, year)	Amount of Each Disbursement This Period
A. Don Bonker For Congress Committee 320 E. Capitol St., NE Washington, D.C. 20003	Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	3/5/82	$250.0
B. Mike Lowry For Congress Committee 210 7th St., SW #B-15 Washington, D.C. 20003	Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	3/5/82	$250.00
C. Riegle For Senate In '82 Committee PO Box 2884 Washington, D.C. 20003	Contribution Disbursement for: ☒ Primary ☒ General ☐ Other (specify):	3/5/82	$125 Primary ~~$500.00~~ $375 General
D. Parren J. Mitchell For Congress Comm PO Box 9047 Washington, D.C. 20003	Contribution Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	3/5/82	$100.00
E. James J. Florio Campaign Committee PO Box 8029 Southwest Station Washington, D.C. 20024	Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	3/16/82	$500.00
F. Fithian For U.S. Senate 1911 Rhode Island Ave. McLean, VA 22101	Contribution Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	3/17/82	$250.00
G.	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
H.	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
I.	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional) $1,850.00

TOTAL This Period (last page this line number only) $1,850.00

American Federation of Labor and Congress of Industrial Organizations

815 Sixteenth Street, N.W.
Washington, D.C. 20006

Mr. Charles Steele
General Counsel
Federal Election Commission
1325 K St., N.W.
Wash., D.C. 20463

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6cH 2087

Riegle for Senate in '88 Committee

April 10, 1984

1:23

MUR 1648
Reyes

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Dear Mr. Gross:

In response to your letter of March 26, 1984, I wish to reply, as Treasurer to the Riegle for Senate in '82 Committee, on behalf of all Riegle Committee-related respondents[1] to the Complaint filed by James Edward Antosh. That Complaint alleges that the Committee accepted contributions in excess of the lawful limit from certain labor organization political action committees and their alleged affiliates.

As set forth below, the Complaint is without foundation and should be dismissed.

CONTRIBUTIONS FROM AFL-CIO COPE-PCC AND AFFILIATES

Complainant alleges that contributions in excess of the lawful limit were received by the Committee from AFL-CIO COPE-PCC and these affiliates: the Michigan State AFL-CIO COPE Voluntary Fund (Michigan COPE) and the Industrial Union Department AFL-CIO Voluntary Fund (IU Fund). It is alleged that, following a primary contribution of $4,750 from AFL-CIO COPE, these affiliates made additional contributions over the primary period for primary election purposes, which placed the Committee over the lawful multicandidate committee limit by $625.00.

The Committee respectfully submits that there was no violation of FECA dollar limitations in connection with these contributions. In fact, the Committee designated the alleged "surplus" for use only in connection with the general election, and did so pursuant to communications to this effect with the IU Fund. This committee made a contribution of $500.00 to the Committee on the understanding that if the aggregate $5,000 primary contribution limit of AFL-CIO COPE and its affiliates was being approached by these committees, Riegle for Senate in '82 could allocate a portion of funds received to general election purposes under 11 C.F.R. section 102.9 (e). The amounts allocated in this fashion would be treated and managed by

[1] Specifically, I am responding on behalf of Donald W. Riegle, Jr., Sherwood Colburn, and the Riegle for Senate in '82 Committee.

Paid for by the Riegle for Senate in '88 Committee. A copy of our report is filed with and may be purchased from the Federal Election Commission, Washington, D.C. M.P. Patten, Treasurer.

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the Committee as related to, and available for, the general election period only. On this basis, the Committee elected to designate and reserve $125.00 of the IU Fund contribution for the primary, and the remaining $375.00 for the general election.

The $125/$375 allocation made by the IU Fund was not correctly reported in the first instance. Amendments filed on April 9, 1984, will, however, correct the record on this score.[3]

In addition, Complainant alleges an additional primary contribution from IU Fund of $250. This contribution was never received by the Committee, a fact verified by the Committee with IU Fund. In fact, IU Fund is unable to locate a cancelled check in this amount which would demonstrate that it ever existed, much less was ever sent to the Committee.

CWA COPE

Two contributions were received by the Committee from CWA COPE - one for the primary (June 5, 1981) and the other for the general (December 4, 1981) pursuant to section 102.9 (e) of the FEC Regulations. While CWA did not clearly report the contribution of December 4, 1981, as related to the general election only, this was, in fact, the understanding and the Committee acted accordingly in treating this contribution as available only for general election purposes.

UNITED PAPERWORKERS INTERNATIONAL UNION - POLITICAL EDUCATION PROGRAM

Similar confusion has risen over three contributions received by the Committee from the United Paperworkers International Union Political Education Program (UP Program). Following contributions totalling $2,000 received on August 31, 1981, and April 23, 1982,

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[2]In July, 1982, an additional $125.00 was received from Michigan COPE which the Committee treated as related to, and available for, the August primary, because the Committee's primary election limit had not yet been exhausted with respect to the AFL-CIO COPE affiliates.

[3]Likewise, the Committee incorrectly reported contributions received for the general election from the Political Fund of the Building and Construction Trades. These contributions were correctly reported by the Building Trades as contributed and intended for the general election, which correctly reflects the Committee's understanding at the time. A corrective amendment has also been filed by the Committee on these contributions.

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a $4,000 contribution subsequently received on July 28, 1982, was designated, in part, for the general election only: $1,000 was set aside specifically for the general, while the remaining $3,000 was allocated for current primary purposes. This allocation was clearly reflected on the Committee's reports.

CONCLUSION

In any event, while there may have been some confusion over the section 102.9 (e) designation of the IU contribution of March, 1982, the public record is now clear on this and other contributions from AFL-CIO COPE and its affiliates. Moreover, it is clear that the Committee was able then, as now, to show that funds received for the general election related purposes were indeed used for these purposes only. The Committee raised $1,255,033.33 in funds prior to the primary, but spent only $402,585.32 (or 32.1% of all 1982 election receipts) on a primary in which the Senator was unopposed for his party's U.S. Senate nomination. There was no intent to gain, nor any gain in fact, in obtaining general election contributions before the primary pursuant to section 102.9 (e). The record of the Committee's finances over the primary and general election campaign periods show, instead, that the Committee devoted much of the primary period on activities much like those at issue here - raising funds for the contested, substantially more costly general election campaign.

Very truly yours,

M.P. Patten

M.P. Patten
Treasurer

MPP/jv

cc: Donald W. Riegle, Jr.
Sherwood Colburn

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RIEGLE FOR SENATE IN '88 COMMITTEE
P.O. Box 2884
Washington, D.C. 20013

Mr. Kenneth Gross
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

8 0 0 5 4 3 9 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1648

NAME OF COUNSEL: MICHAEL HAMILTON

ADDRESS: 3340 Perimeter Hill
P.O. Box 1475
Nashville, TN 37202

TELEPHONE: 615-834-8590

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.

April 12, 1984
Date

Wayne E. Glenn
Signature
WAYNE E. GLENN, President
UNITED PAPERWORKERS INT'l UNION

RESPONDENT'S NAME: UPIU - POLITICAL EDUCATION PROGRAM

ADDRESS: 3340 Perimeter Hill
P.O. Box 1475
Nashville, TN 37202

HOME PHONE:

BUSINESS PHONE: 615-834-8590

8 5 0 4 0 5 4 3 9 2 4

4 APR 17 P3:54

RECEIVED AT THE FEC
Ecc#2075
84 APR 9 P1:00

April 5, 1984

MUR 1648
Reyes

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Charles N. Steele, General Counsel

Re: MUR 1648

Dear Mr. Steele:

With reference to the above captioned matter please be advised that the present Treasurer of the Riegle For Senate In '82 Committee, Mr. M. P. Patten, will be forwarding a letter of explanation within the prescribed 15 days from date of receipt of yours of March 26, 1984 on behalf of several including the undersigned:

April 5, 1984

Respondent's Name:	Sherwood Colburn
Address:	Suite 302, 3001 W. Big Beaver Troy, Michigan 48084
Home Telephone:	313 - 626-5578
Business Telephone:	313 - 643-4800

cc: Mr. Kenneth A. Gross, Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Mr. Paul R. Reyes
Federal Election Commission
Washington, D.C. 20463

Riegle For Senate In '82 Committee
P. O. Box 2884
Washington, D.C. 20013

Sen. Donald W. Riegle, Jr.
Room 105 Dirksen Senate Office Building
Washington, D.C. 20510

8504054392 5

84 APR 9 P4:37
OFFICE OF GENERAL COUNSEL

Hermelin Colburn Colburn Blumberg Steinberg
Insurance
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084
Phone 313/643-4800
SHERWOOD COLBURN

5 0 4 0 5 4 9 6

OAK, MI 480
84 APR 9 P1:13

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Charles N. Steele,
General Counsel

6 cc A 2077

RECEIVED AT THE FEC

84 APR 10 A8:50

April 5, 1984

MUR 1648
Reyes

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Charles N. Steele, General Counsel

Re: MUR 1648

84 APR 10 A9:51

Dear Mr. Steele:

With reference to the above captioned matter please be advised that the present Treasurer of the Riegle For Senate In '82 Committee, Mr. M. P. Patten, will be forwarding a letter of explanation within the prescribed 15 days from date of receipt of yours of March 26, 1984 on behalf of several including the undersigned:

April 5, 1984

Respondent's Name:	Sherwood Colburn
Address:	Suite 302, 3001 W. Big Beaver Troy, Michigan 48084
Home Telephone:	313 - 626-5578
Business Telephone:	313 - 643-4800

cc: Mr. Kenneth A. Gross, Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Mr. Paul R. Reyes
Federal Election Commission
Washington, D.C. 20463

Riegle For Senate In '82 Committee
P. O. Box 2884
Washington, D.C. 20013

Sen. Donald W. Riegle, Jr.
Room 105 Dirksen Senate Office Building
Washington, D.C. 20510

8504054392 7

Hermelin Colburn Colburn Blumberg Steinberg Insurance
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084
Phone 313/643-4800

SHERWOOD COLBURN

ROYAL OAK, MI 480
PM
6 APR
1984

84 APR 10 AM 10:50

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Kenneth A. Gross,
Associate General Counsel

RECEIVED AT THE FEC
Gcc# 3078

84 APR 10 A8:48

MUR 1648
Reps

April 5, 1984

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Charles N. Steele, General Counsel

Re: MUR 1648

Dear Mr. Steele:

With reference to the above captioned matter please be advised that the present Treasurer of the Riegle For Senate In '82 Committee, Mr. M. P. Patten, will be forwarding a letter of explanation within the prescribed 15 days from date of receipt of yours of March 26, 1984 on behalf of several including the undersigned:

April 5, 1984

Respondent's Name:	Sherwood Colburn
Address:	Suite 302, 3001 W. Big Beaver Troy, Michigan 48084
Home Telephone:	313 - 626-5578
Business Telephone:	313 - 643-4800

cc: Mr. Kenneth A. Gross, Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

✓ Mr. Paul R. Reyes
Federal Election Commission
Washington, D.C. 20463

Riegle For Senate In '82 Committee
P. O. Box 2884
Washington, D.C. 20013

Sen. Donald W. Riegle, Jr.
Room 105 Dirksen Senate Office Building
Washington, D.C. 20510

8504054399 29

Hermelin Colburn Colburn Blumberg Steinberg Insurance
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084
Phone 313/643-4800
SHERWOOD COLBURN

Federal Election Commission
Washington, D.C. 20463

Attention: Mr. Paul R. Reyes

RECEIVED AT THE FEC
Doc # 2057
84 APR 9 A9:28

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. Winpisinger
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. Pillard
Kenneth T. Blaylock
William H. Wynn
Robert F. Goss
Frank Drozak
Richard I. Kilroy
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

April 4, 1984

MUR 1648
Reyes

APR 9 A10:21

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

Re: FEC MUR 1648

Dear Mr. Steele:

Pursuant to 11 C.F.R. 111.23, Walter Oliver, the Michigan State AFL-CIO COPE Voluntary Fund, Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund, 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 Donahue

Thomas R. Donahue
Secretary-Treasurer

8504054393 1

RECEIVED AT THE FEC
84 APR 9 A9:28

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
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John J. Sweeney
Barbara Hutchinson
Gerald W. McEntee
Patrick J. Campbell
Thomas W. Gleason
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Sol C. Chaikin
Charles H. Pillard
Kenneth T. Blaylock
William H. Wynn
Robert F. Goss
Frank Drozak
Richard I. Kilroy
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

April 3, 1984

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

Re: FEC MUR 1648

Dear Mr. Steele:

The purpose of this letter is to request an extension of time from April 12, 1984, until May 7, 1984, for respondents' Walter Oliver, Michigan State AFL-CIO COPE Voluntary Fund, Elmer Chatak, the Industrial Union Department AFL-CIO Voluntary Fund, the AFL-CIO Committee on Political Education Political Contributions Committee and Thomas R. Donahue (hereinafter "respondents") to respond to the complaint in the above-referenced matter.

Respondents received the complaint in the above-referenced matter on March 28, 1984. Due to the fact that the undersigned is also counsel for the respondents in FEC MURs 1647, 1646, 1650 and 1641 for which the reponses are due on 4/6/84, 4/7/84 and 4/11/84 and is required to be out of the city on business for a week following the filing of those responses, it would be difficult, if not impossible, to prepare a proper reply in this matter without the requested extension.

Accordingly, I respectfully request an extension of time in which to file the reply of respondents from April 12, 1984 until May 7, 1984.

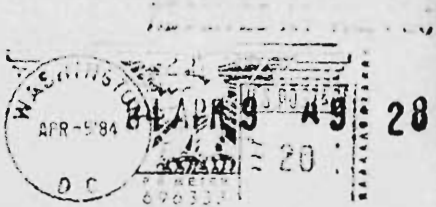
Sincerely,

Margaret E. McCormick

Margaret E. McCormick
Counsel for Respondents Walter Oliver, Michigan State AFL-CIO COPE Voluntary Fund, Elmer Chatak, Industrial Union Department Voluntary Fund, Thomas R. Donahue, AFL-CIO COPE Political Contributions Committee

8504054393 2

American Federation of Labor and Congress of Industrial Organizations
815 Sixteenth Street, N.W.
Washington, D.C. 20006

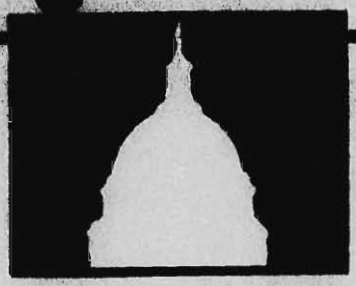


Mr. Charles N. Steele, General Counsel
Federal Election Commission
1325 K Street, N. W.
Washington, D. C.20463

50403

RECEIVED AT THE FEC
Gen# 1995
84 MAR 2 A9:22

James B. Booe
Chairman



CWA-COPE
Political Contributions Committee

Louis B. Knecht
Treasurer

MUR 1643
Legal

A11:09

8504054393 4

March 30, 1984

File: 1.34

Mr. Paul Reyes
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20403

Re: MUR-1643

Dear Mr. Reyes:

We request that the above referenced complaint filed against CWA COPE PCC be dismissed.

On June 5, 1981 our Committee contributed $5,000 to the Riegle for Senate in '82 Committee and designated it for the primary campaign. This transaction was duly reported on our monthly FEC filing and I have attached a copy of that report for your benefit. I have also attached a copy of our standard request form dated June 5, 1981 that clearly indicates that the contribution was indeed designated for the primary.

On December 4, 1981 our Committee contributed an additional $5,000 to the Riegle for Senate in '82 Committee which was also duly reported in our FEC filing. We inadvertantly omitted the fact that this contribution was to be designated for the general election. I have attached a copy of our request form dated December 4, 1981 that clearly shows to which campaign the contribution was to be designated. It was apparently omitted in what was then the new keypunching process for our FEC reports.

1925 K Street, N.W. Suite 211 Washington, D.C. 20006 (202) 785-6737 (202) 785-5875

Paid for and authorized by CWA on behalf of a joint fundraising effort for CWA-COPE PCC and the AFL-CIO COPE PCC.

It is clear from a review of these facts that we operated within the contribution limits set by the statute, and thereby request that this complaint be duly dismissed.

Sincerely,

Fred G. Hassen

Fred G. Hassen
Assistant Treasurer

/pam

8 5 0 4 0 5 4 3 9 3 5

REQUEST FOR CWA COPE CONTRIBUTION

Mich Senate

TO: Jim Booe, Chairman
ATTN: Loretta Bowen

DATE June 5, 1981

From: Riegle

CANDIDATE: Donald W. Riegle, Jr.

Check Requested By: M. Hughes Request Cleared With V.P. M. Hughes

Check Charged To: DISTRICT/ACCOUNT Split STATE Michigan TC _____ IC x

CHECK PAYABLE TO: Riegle for Senate in '82 Committee
(NAME OF CANDIDATE'S COMMITTEE)

ADDRESS OF CANDIDATE'S COMMITTEE: 9601 Blincoe Court
Burke, VA 22015

AMOUNT: $5,000.00

Upon Agreement:

AMOUNT CHARGED TO HEADQUARTERS: $2,500.00

AMOUNT CHARGED TO STATE: $2,500.00

OFFICE SOUGHT: Senate - Michigan

PARTY:	DEMOCRAT (1) x	REPUBLICAN (2)	INDEPENDENT (3)
ELECTION STATUS:	INCUMBENT (1) x	CHALLENGER (2)	OPEN SEAT (3)
FUND CODE:	PRIMARY (1) x	GENERAL (2)	RUNOFF (3)

[redacted]

[redacted]

[redacted]

8504054393 6

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)

CWA-COPE PCC

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Meshel for Congress Committee 786 Fairgreen Avenue Youngstown, Ohio 44510	1980 Deficit Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	$ 2,500.00
B. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Committee to Re-Elect Congressman Mario Biaggi 299 Broadway - Suite 1500 New York, New York 10007	1980 Deficit Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	500.00
C. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Coyne for Congress Committee P. O. Box 37446 Washington, D. C.	14th C. D. Penna. Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	6/4/81	500.00
D. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Riegle for Senate in '82 Committee 9601 Blinco Court Burke, Virginia 22015	U. S. Senate Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/5/81	5,000.00
E. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Democrats for the 80's Post Office Box 3797 Washington, D. C. 20007	Contribution to PAC Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/5/81	4,000.00
F. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Fund for A Democratic Majority P. O. Box 1400 Washington, D. C. 20013	Membership Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/26/81	1,000.00
G. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Fund for A Democratic Majority P. O. Box 1400 Washington, D. C. 20013	Membership Disbursement for: ☐ Primary ☐ General ☐ Other (specify):	6/2/81	1,000.00
H. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Congressman Waxman Campaign Committee Post Office Box 23349 Washington, D. C. 20024	24th C. D. California Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/8/81	250.00
I. Full Name, Mailing Address and ZIP Code	**Purpose of Disbursement**	**Date (month, day, year)**	**Amount of Each Disbursement This Period**
Congressman Kildee Committee 8007 Snowpine Way McLean, Virginia 22101	7th C. D. Michigan Disbursement for: ☒ Primary ☐ General ☐ Other (specify):	6/8/81	250.00
SUBTOTAL of Disbursements This Page (optional)			15,000.00
TOTAL This Period (last page this line number only)			

8 5 0 4 0 5 4 3 9 3 7

REQUEST FOR CWA COPE CONTRIBUTION

Riegle

TO: Jim Booe, Chairman
ATTN: Loretta Bowen

DATE 12/4/81

From: Mich

CANDIDATE: Donald W. Riegle, Jr.

Check Requested By: M. Hughes Request Cleared With V.P. _____

Check Charged To: DISTRICT/ACCOUNT 4 STATE MI TC _____ IC x

CHECK PAYABLE TO Riegle for Senate in '82 Committee
(NAME OF CANDIDATE'S COMMITTEE)

ADDRESS OF CANDIDATE'S COMMITTEE: 9601 Blincoe Court
Burke, VA 22015

AMOUNT: $5,000.00 Upon Agreement: Booe/Hughes

AMOUNT CHARGED TO HEADQUARTERS: _____

AMOUNT CHARGED TO STATE: $5,000.00

OFFICE SOUGHT: Senate - Michigan

PARTY:	DEMOCRAT (1) x	REPUBLICAN (2) _____	INDEPENDENT (3) _____
ELECTION STATUS:	INCUMBENT (1) x	CHALLENGER (2) _____	OPEN SEAT (3) _____
FUND CODE:	PRIMARY (1) _____	GENERAL (2) x	RUNOFF (3) _____

8504054393 8

C W A C O P E P C C

SCHEDULE 3 LINE NO : 021

NAME, MAILING ADDRESS & ZIP CODE	PARTICULARS OF EXPENDITURE	DATE	AMOUNT OF EXPENDITURE
RIEGLE FOR SENATE '82' COMM 9601 HLINCOE COURT BURKE VA 22015	004	12/04/81	5,000.00
COMM FOR AMERICAN PRINCIPLES 2000 N STREET NW 105 WASHINGTON DC 20036	005	12/04/81	1,000.00
DORGAN FOR CONGRESS COMM BOX 400 BISMARCK ND 58502	U S HSE OF REP 007 PRIMARY	12/16/81	1,000.00
FRIENDS OF JIM SASSER 1730 PA AVE NW WASHINGTON DC 20006	SENATE-TENN 010 GENERAL	12/22/81	2,000.00
GEORGE E BROWN COMMITTEE P O BOX 1421 RIVERSIDE CA 92502	CONGRESS-REP 011	12/23/81	700.00

TOTAL EXPENDITURE AMOUNT FOR LINE NO : 021 $9,700.00

CWA-COPE
Political
Contributions
Committee
1925 K Street, N.W.
Suite 211
Washington, D.C. 20006

WASHINGTON D.C. 84 MAR 2 A 9:2

Mr. Paul Reyes
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20403

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, VA 22151

Dear Mr. Avakian & Ms. Poindexter:

This letter is to acknowledge receipt of the complaint of your client, James E. Antosh, which we received on March 16, 1984, against Donald W. Riegle, Jr., Riegle for Senate in '82 Committee, M. P. Patten, Sherwood Colburn, Thomas R. Donahue, AFL-CIO COPE & PCC, Elmer Chatak, Industrial Union Department AFL-CIO Voluntary Fund, Walter L. Oliver, Michigan State AFL-CIO COPE Voluntary Fund, Louis B. Knecht, CWA COPE & PCC, Fred G. Hassen, Nicholas C. Vrataric and United Paperworkers International Union Political Education Program 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 client's 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

Kenneth A. Gross

By Kenneth A. Gross
Associate General Counsel

Enclosure

8504054394 1

8504054394 2

MUR 1648 Reyes

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:
Michael Ernest Avakian
Martha M. Poindexter
Ctr on National Labor Policy
Suite 400
8811 Port Royal Road, Springfield Va 22151

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

ARTICLE NUMBER: 943147

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY: MAR 28 1984

POSTMARK (optional): 1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

3/26/84

★ GPO: 1982-370-503

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Donald W. Riegle, Jr.
Riegle for Senate in'82 Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

Re: MUR 1648

Dear Senator Riegle:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the committee and 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 1648. 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 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.

8 5 0 4 0 5 4 3 9 4 3

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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/aw

By Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 4 3 9 4 4

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

MUR 1648 Reyes

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:
The Honorable Donald W. Riegle, Jr
Riegle for Senate IN '82 Committee
3001 West Big Beaver Rd Suite
Troy, Michigan 48084

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

ARTICLE NUMBER
943149

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
3-29-84

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

RETURN RECEIPT

★ GPO: 1982-370-865

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Donald W. Riegle, Jr.
Riegle for Senate in '82 Committee
1207 Dirksen Senate Office Building
Washington, D.C. 20510

Re: MUR 1648

Dear Senator Riegle:

This letter is to notify you that on March 16, 1984, the Federal Election Commission received a complaint which alleges that the committee and 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 1648. Please refer to this number in all future correspondence.

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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.

85040543945

8 5 0 4 0 5 4 3 9 4 6

MIR 1640 Peles

PS Form 3811, July 1983

● 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:
M. D. Hatten, Jr.
Riegle for Senate in '82 Committee
P.O. Box 2854
Washington, DC 20013

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

ARTICLE NUMBER
943155

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY

POSTMARK (may be on reverse side)
WASHINGTON D.C.
3
1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1983-379-503

3/26/84

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

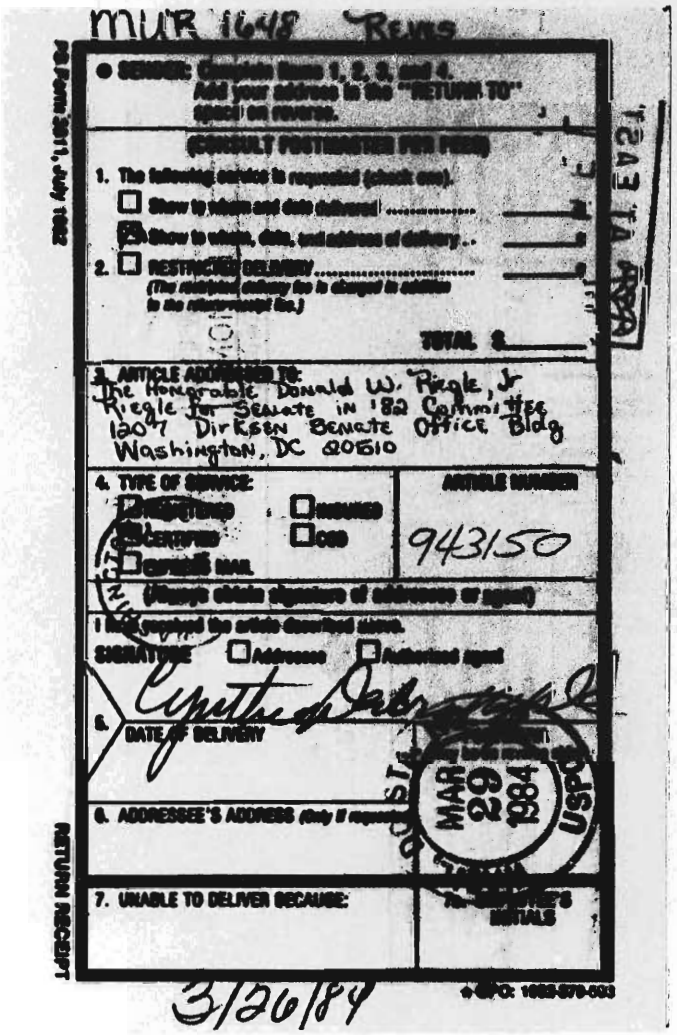
Charles N. Steele
General Counsel

Kenneth A. Gross

By Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 4 3 9 4 7

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


MUR 1648 Reyes

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:
The Honorable Donald W. Riegle, Jr
Riegle for Senate in '82 Committee
1207 Dirksen Senate Office Bldg
Washington, DC 20510

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

ARTICLE NUMBER
943150

(Always obtain signature of addressee or agent)

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

6. DATE OF DELIVERY
MAR 29 1984

8. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

POSTMASTER'S INITIALS

RETURN RECEIPT

PS Form 3811, July 1982

3/26/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. M. P. Patten, Treasurer
Riegle for Senate in '82
Committee
5610 Crawfordsville Road
Suite 2302
Indianapolis, IN 46224

Re: MUR 1648

Dear Mr. Patten:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

8 5 0 4 0 5 4 3 9 4 8

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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

8504054394 9

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

MUR 1648 Reyes

PS Form 3811, July 1984

● 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:
M. P. Yoffen, Jr.
Riegle for Senate in '82 Committee
3001 West Big Beaver Rd Suite 309
Troy, Michigan 48084

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

ARTICLE NUMBER
943153

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
3-29-84

POSTMARK
MAR 29 1984

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

★ GPO: 1982-370-003

3/26/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Sherwood Colburn, Treasurer
Riegle for Senate in '82
Committee
3001 West Big Beaver Road
Suite 302
Troy, Michigan 48084

Re: MUR 1648

Dear Mr. Colburn:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

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If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8504054395 0

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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

MUR 1698 Reyes

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:
Mr. Sherwood Colburn, Tr.
Riegle for Senate in '82 Committee
3001 West Big Beaver Rd Suite 300
Troy, Michigan 48084

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

ARTICLE NUMBER
943156

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
3-29-84

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

MAR 29 1984

PS Form 3811, July 1982 — RETURN RECEIPT

3/26/84

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

8 5 0 4 0 5 4 3 9 5 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Thomas R. Donahue, Treasurer
AFL-CIO COPE & PCC
815 16th Street N.W.
Washington, D.C. 20006

Re: MUR 1648

Dear Mr. Donahue:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

8 5 0 4 0 5 4 3 9 5 2

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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/ano

By Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 4 3 9 5 3

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

MAR 16 '84 REYES

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:
Mr. Thomas R. Donahue, Tr.
AFL-CIO COPE and PEC
815 16th St. N.W.
Washington, DC 20006

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

ARTICLE NUMBER
943157

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Janet O'Connor

5. DATE OF DELIVERY
MAR 28 1984

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

RETURN RECEIPT

3/26/84

★ GPO: 1982-370-503

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Elmer Chatak, Treasurer
Industrial Union Department
AFL-CIO Voluntary Fund
815 16th Street N.W. Room 301
Washington, D.C. 20006

Re: MUR 1648

Dear Mr. Chatak:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

8 5 0 4 0 5 4 3 9 5 4

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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

8 5 0 4 0 5 4 3 9 5 5

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

MUR 1649 REYES

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:
Mr. Elmer Chatak, Tr.
Industrial Union Dept.
AFL-CIO Voluntary Fund
815 16th St. N.W. Rm 301
Washington DC 20006

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

ARTICLE NUMBER
943158

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
3-28-84

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: 1982-379-503

3/26/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Walter L. Oliver, Treasurer
Michigan State AFL-CIO COPE
Voluntary Fund
419 S. Washington Avenue
Lansing, Michigan 48933

Re: MUR 1648

8504054395 6

Dear Mr. Oliver:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

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If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

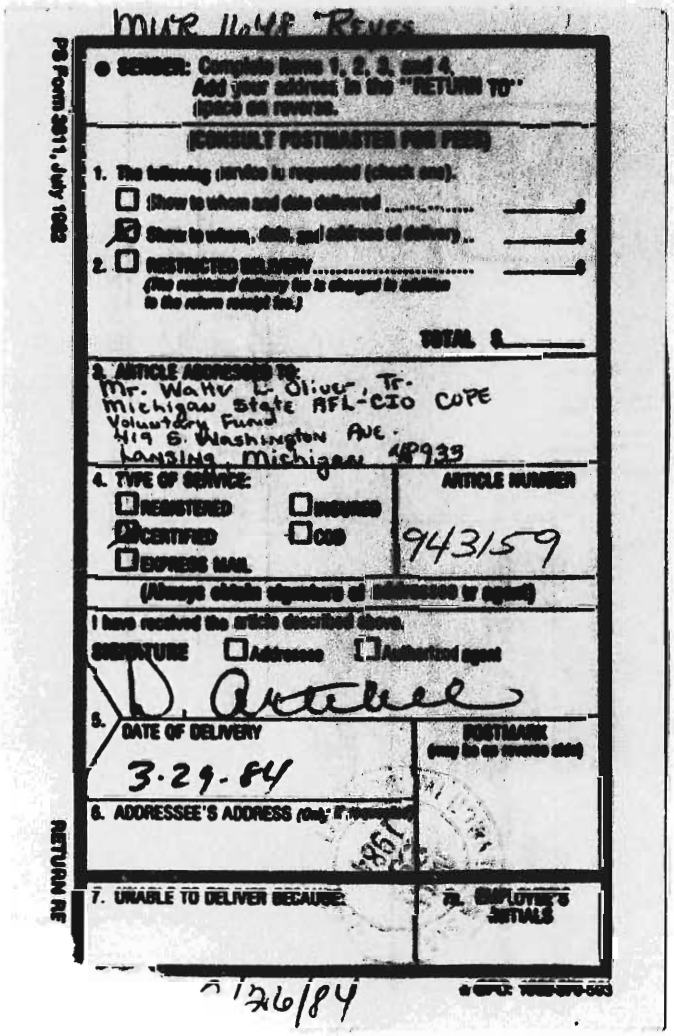
Charles N. Steele
General Counsel

Kenneth A. Gross/am

By Kenneth A. Gross
Associate General Counsel

8 5 0 4 0 5 4 3 9 5 7

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


MUR 1648 Reyes

PS Form 3811, July 1983

● 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:
Mr. Walter L. Oliver, Tr.
Michigan State AFL-CIO COPE
Voluntary Fund
419 S. Washington Ave.
Lansing, Michigan 48933

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

ARTICLE NUMBER
943159

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
3-29-84

POSTMARK (may be on reverse side)

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

EMPLOYEE'S INITIALS

RETURN RE

4/26/84

★ GPO: 1983-370-503

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Louis B. Knecht, Treasurer
CWA COPE & PCC
1925 K Street N.W.
Washington, D.C. 20006

Re: MUR 1648

Dear Mr. Knecht:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

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If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 5 0 4 0 5 4 3 9 5 8

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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/axo

By Kenneth A. Gross
Associate General Counsel

8504054395 9

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

MUR 1642 Reyes

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:
Mr. Louis B. Knecht, Jr.
CWA Cope and PEC
1925 K. St. NW
Washington DC 20006

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

ARTICLE NUMBER
943160

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
03-28-84

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: 1982-370-503

3/26/84

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Fred G. Hassen, Treasurer
CWA COPE & PCC
1925 K. Street N. W.
Washington, D. C. 20006

Re: MUR 1648

Dear Mr. Hassen:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

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If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

8 5 0 4 0 5 4 3 9 6 0

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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/aw

By Kenneth A. Gross
Associate General Counsel

8504054396 1

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

MUR 1648 Reyes

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:
Mr. Fred G Hassen Jr.
CWA COPE and PCC
1925 K. St. N.W.
Washington DC 20006

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

ARTICLE NUMBER
943161

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
03-28-84

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: 1983-370-503

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 26, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Nicholas C. Vrataric, Treasurer
United Paperworkers International
Union Political Education Program
702 Church Street
P.O. Box 1475
Nashville, TN 37202

Re: MUR 1648

Dear Mr. Vrataric:

This letter is to notify you that on March 16, 1984 the Federal Election Commission received a complaint which alleges that the 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 1648. 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.

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8 5 0 4 0 5 4 3 9 6 2

If you have any questions, please contact Paul R. Reyes, the staff member assigned to this matter at (202) 523-4175. 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/cw

By Kenneth A. Gross
Associate General Counsel

8504054396 3

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

MUR 1642 Reyes

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:
Mr. Nicholas C. Vrataric, Jr.
United Paperworkers International Union Political Education Program
703 Church Street P.O. Box 1475
Nashville, TN 37202

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

ARTICLE NUMBER
943162

(Always obtain signature of addressee or agent)

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

5. DATE OF DELIVERY
APR 2 1984

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TN NASHVILLE APR 2 1984

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GCC #1882

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

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James Edward Antosh 13 Gilpin Shawnee, Oklahoma 74801, Complainant, v. Donald W. Riegle, Jr.; Riegle for Senate in '82 Committee; the American Federation of Labor - Congress of Industrial Organizations Committee on Political Education and Political Contributions Committee and its affiliated separate segregated funds, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund; Communications Workers of America Committee on Political Education and Political Contributions Committee; and United Paperworkers International Union-Political Education Program; and all the Committees' treasurers, Respondents.	Complaint MUR No. 1648

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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, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee , 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 funds ("SSFs"), Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund; Communications Workers of America Committee on Political Education and Political Contributions Committee ("CWA-COPE PCC"); United Paperworkers International Union-Political Education Program ("UPIU-PEP"); 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.

Respondents are:

a. Donald W. Riegle, Jr., 3001 West Big Beaver Road, Suite 302, Troy, Michigan 48084; and 27200 Lahser Road, South-

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field, Michigan 48084.

b. Sherwood Colburn, individually and in his capacity as treasurer of Riegle for Senate in '82 Committee, 3001 West Big Beaver Road, Suite 302, Troy, Michigan 48084.

c. M. P. Patten, individually and in his capacity as treasurer of Riegle for Senate in '82 Committee, 27200 Lahser Road, Southfield, Michigan 48076.

d. Riegle for Senate in '82 Committee,

- 3001 West Big Beaver Road, Suite 302
  Troy, Michigan 48084.
- 27200 Lahser Road, Southfield, Michigan 48084.
- 9601 Blincoe Court, Burke, Virginia 22015.
- Post Office Box 2884, Washington, D. C. 20013.
- 5610 Crawfordsville Road, Suite 2302
  Indianapolis, Indiana 46224.

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 Education and Political Contributions Committee, 815 16th Street,

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N.W, Washington, D. C. 20006.

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. Walter L. Oliver, individually and in his capacity as treasurer of Michigan State AFL-CIO COPE Voluntary Fund, 419 S. Washington Avenue, Lansing, Michigan 48933.

j. Michigan State AFL-CIO COPE Voluntary Fund, 419 S. Washington Avenue, Lansing, Michigan 48933.

k. Louis B. Knecht, individually and in his capacity as treasurer of Communications Workers of America Committee on Political Education and Political Contributions Committee, 1925 K Street, N.W., Washington, D. C. 20006.

l. Fred G. Hassen, individually and in his capacity as treasurer of Communications Workers of America Committee on Political Education and Political Contributions Committee, 1925 K Street, N.W., Washington, D. C. 20006.

m. Nicholas C. Vrataric, individually and in his capacity as treasurer of United Paperworkers International Union-Political Education Program, 702 Church Street, Post

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Political Education Program, 702 Church Street, Post Office Box 1475, Nashville, Tennessee 37202 and 16303 Horace Harding Expressway, Flushing, New York 11365.

n. United Paperworkers International Union-Political Education Program, 702 Church Street, Post Office Box 1475, Nashville, Tennessee 37202 and 16303 Horace Harding Expressway, Flushing, New York 11365.

3. Liability may be imposed upon the candidate, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee, AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund; CWA-COPE PCC; and UPIU-PEP; 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 SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund, are treated as contributions made from a single committee in accordance with 2 U.S.C. §441a(a)(5) as implemented through

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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 Donald W. Riegle, Jr. was a candidate for public offfice. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Donald W. Riegle, Jr.; Riegle for Senate in '82 Committee and its treasurer; AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund; CWA-COPE PCC; and UPIU-PEP filed for the 1982 federal primary election.

7. For the 1982 federal primary election, excessive funds were contributed to Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer by AFL-CIO COPE-PCC and its treasurer; Industrial Union Department AFL-CIO Voluntary Fund and its treasurer; Michigan State AFL-CIO COPE Voluntary Fund and its treasurer; CWA-COPE PCC and its treasurer; and UPIU-PEP and its treasurer. The 1982 Michigan Congressional primary election was held on August 3, 1982.

8. These unlawful contributions constitute a violation of the

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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 RIEGLE FOR SENATE IN '82 COMMITTEE 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, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee 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 SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund, in the amount of $5,625.00 (FIVE THOUSAND SIX HUNDRED TWENTY FIVE DOLLARS).

10. Candidate Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, for the 1982 federal primary election, accepted contributions from AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and

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Michigan State AFL-CIO COPE Voluntary Fund, in the following amounts;

Date Received	Amount	Contributor	F.E.C. Microfilm Location
6/26/81	$4,750.00	AFL-CIO COPE-PCC	#81020043493
unreported	$ 250.00	Industrial Union Department AFL-CIO Voluntary Fund	
3/5/82	$ 500.00	Industrial Union Department AFL-CIO Voluntary Fund	#82020042663
7/29/82	$ 125.00	Michigan State AFL-CIO COPE Voluntary Fund	#82020151085
Total =	$5,625.00		

11. A running total of contributions from AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund, would have put on notice Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer that they had received $5,000.00 (FIVE THOUSAND DOLLARS) before March 5, 1982[1]. On that date, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer could no longer lawfully accept any contributions from AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO

[1]The contribution which reached the $5,000.00 (FIVE THOUSAND DOLLARS) statutory limit was made by Industrial Union Department AFL-CIO Voluntary Fund on June 29, 1981.

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COPE Voluntary Fund. In violation of 2 U.S.C. §441(f), Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer accepted contributions from these contributors in the amounts of $500.00 (FIVE HUNDRED DOLLARS) and $125.00 (ONE HUNDRED TWENTY FIVE DOLLARS). This amount exceeded the statutory monetary ceiling by $625.00 (SIX HUNDRED TWENTY FIVE DOLLARS).

12. In violation of 11 C.F.R. §104.14(d), Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer failed to report the $250.00 (TWO HUNDRED FIFTY DOLLARS) contribution made by Industrial Union Department AFL-CIO Voluntary Fund on June 29, 1981. 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 satement contained therein."

13. 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, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, in violation of 2 U.S.C. §441a(f), <u>knowingly accepted</u> contributions for the 1982 federal <u>primary</u> election from CWA-COPE PCC in the amount of $10,000.00 (TEN THOUSAND DOLLARS).

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14. Candidate Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, for the 1982 federal primary election, accepted contributions from CWA-COPE PCC in the following amounts:

Date Received	Amount	F.E.C. Microfilm Location
6/5/81	$5,000.00	#81020043490
12/4/81	$5,000.00	#82020021454
	Total = $10,000.00	

15. A running total of contributions from CWA-COPE PCC would have put on notice Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer that they had received $5,000.00 (FIVE THOUSAND DOLLARS) on June 5, 1981. On that date, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer could no longer lawfully accept any contributions from CWA-COPE PCC. In violation of 2 U.S.C. §441a(f), Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer 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).

16. CWA-COPE PCC and its treasurer failed to designate whether the $5,000.00 (FIVE THOUSAND DOLLARS) contribution made on December 4, 1981 was intended for the primary or the general election. (See F.E.C. Microfilm #82032224128.) However, the contribution was made eight months before the Michigan Congressional primary election which was held on August 3, 1982. This indicates that

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the $5,000.00 (FIVE THOUSAND DOLLARS) contribution of December 4, 1981 was intended by CWA-COPE PCC for the primary election. In violation of 11 C.F.R. §104.14(d), Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm #82020021454.) 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." Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer knowingly misreported the CWA-COPE PCC contributions in order to accept contributions from CWA-COPE PCC in excess of the statutory limit.

17. 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 Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from UPIU-PEP in the amount of $6,000.00 (SIX THOUSAND DOLLARS).

18. Candidate Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, for the 1982 federal primary election, accepted contributions UPIU-PEP in the following amounts:

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Date Received	Amount	F.E.C. Microfilm Location
8/31/81	$1,000.00	#82020021451
4/23/82	$1,000.00	#82020091308
8/4/82	$4,000.00	#82020151086
	Total = $6,000.00	

19. A running total of the amount of contributions received from UPIU-PEP would have put on notice Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer that they had received $2,000.00 (TWO THOUSAND DOLLARS) on April 23, 1982. On that date, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee 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.

20. UPIU-PEP and its treasurer failed to designate whether the $4,000.00 (FOUR THOUSAND DOLLARS) contribution made on July 28, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm #82032484521.) However, the contribution was made before the Michigan Congressional primary election which was held on August 3, 1982. This indicates that the $4,000.00 (FOUR THOUSAND DOLLARS) contribution of July 28, 1982 was intended by UPIU-PEP for the primary election.

21. In violation of 11 C.F.R. §104.14(d), Donald W. Riegle,

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Jr., Riegle for Senate in '82 Committee and its treasurer split the $4,000.00 (FOUR THOUSAND DOLLARS) single contribution in two parts. They reported $3,000.00 (THREE THOUSAND DOLLARS) for the primary election and $1,000.00 (ONE THOUSAND DOLLARS) for the general election on F.E.C. Form 3, Schedule A. (See F.E.C. Microfilm #82020151086.) 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." In this manner, Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer by the activities described above, knowingly misreported the UPIU-PEP contribution in order to accept contributions from UPIU-PEP in excess of the statutory limit.

VI. VIOLATIONS OF THE F.E.C.A. BY AFL-CIO COPE-PCC, INDUSTRIAL UNION DEPARTMENT AFL-CIO VOLUNTARY FUND AND MICHIGAN STATE AFL-CIO COPE VOLUNTARY FUND IN THE 1982 FEDERAL PRIMARY ELECTION

22. 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 SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund, for the 1982 federal primary election contributed to candidate Donald

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W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer a total of $5,625.00 (FIVE THOUSAND SIX HUNDRED TWENTY FIVE DOLLARS).

23. AFL-CIO COPE-PCC, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary Fund contributed the following amounts:

a. On June 26, 1981, AFL-CIO COPE-PCC contributed $4,750.00 (FOUR THOUSAND SEVEN HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm #81032004086.)

b. On June 29, 1981, Industrial Union Department AFL-CIO Voluntary Fund contributed $250.00 (TWO HUNDRED FIFTY DOLLARS). (See F.E.C. Microfilm #81031983864.)

c. On March 5, 1982, Industrial Union Department AFL-CIO Voluntary Fund contributed $500.00 (FIVE HUNDRED DOLLARS). (See F.E.C. Microfilm #82032261917.)

d. On July 20, 1982, Michigan State AFL-CIO COPE Voluntary Fund contributed $125.00 (ONE HUNDRED TWENTY FIVE DOLLARS). (See F.E.C. Microfilm #82032460861.)

24. A running total of the amount contributed to Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer, by AFL-CIO COPE-PCC and its affiliated SSFs, Industrial Union Department AFL-CIO Voluntary Fund and Michigan State AFL-CIO COPE Voluntary

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Fund, would have put them on notice that as of June 29, 1981, they had contributed $5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Industrial Union Department AFL-CIO Voluntary Fund made a $500.00 (FIVE HUNDRED DOLLARS) contribution on March 5, 1982, and Michigan State AFL-CIO COPE Voluntary Fund made a $125.00 (ONE HUNDRED TWENTY FIVE DOLLARS) contribution on July 20, 1982. This amount exceeded the $5,000.00 (FIVE THOUSAND DOLLARS) ceiling by $625.00 (SIX HUNDRED TWENTY FIVE DOLLARS).

VII. VIOLATIONS OF THE F.E.C.A. BY CWA-COPE PCC 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 CWA-COPE PCC, for the 1982 federal primary election contributed to candidate Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer a total of $10,000.00 (TEN THOUSAND DOLLARS).

26. CWA-COPE PCC contributed the following amounts:

a. On June 5, 1981, CWA-COPE PCC contributed $5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #81032011863.)

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b. On December 4, 1981, CWA COPE-PCC contributed $5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032224128.)

27. A running total of the amount contributed to Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer by CWA-COPE PCC would have put it on notice that as of June 5, 1981, it had contributed $5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), CWA-COPE PCC made a $5,000.00 (FIVE THOUSAND DOLLARS) contribution on December 4, 1981, which exceeded the $5,000.00 (FIVE THOUSAND DOLLARS) ceiling by $5,000.00 (FIVE THOUSAND DOLLARS).

28. CWA-COPE PCC and its treasurer failed to accurately report the $5,000.00 (FIVE THOUSAND DOLLARS) contribution made to Donald W. Riegle, Riegle for Senate in '82 Committee and its treasurer on December 4, 1981. In violation of 11 C.F.R. §104.14(d), CWA-COPE PCC and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Microfilm #82032224128.)

VIII. VIOLATIONS OF THE F.E.C.A. BY UPIU-PEP IN THE 1982 FEDERAL PRIMARY ELECTION

29. Based on a review of the periodic reports, Federal Election

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Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that UPIU-PEP, for the 1982 federal primary election contributed to candidate Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer a total of $6,000.00 (SIX THOUSAND DOLLARS).

30. UPIU-PEP contributed the following amounts:

a. On August 31, 1981, UPIU-PEP contributed $1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #81032084291.)

b. On April 23, 1982, UPIU-PEP contributed $1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm #82032384094.)

c. On July 28, 1982, UPIU-PEP contributed $4,000.00 (FOUR THOUSAND DOLLARS). (See F.E.C. #82032484521.)

31. A running total of the amount contributed to Donald W. Riegle, Jr., Riegle for Senate in '82 Committee and its treasurer would have put on notice UPIU-PEP that as of April 23, 1982, it had contributed $2,000.00 (TWO THOUSAND DOLLARS) and that it could only contribute an additional $3,000.00 (THREE THOUSAND DOLLARS) if it wished to meet the mandates of the law. In violation of 2 U.S.C. §441a(a)(2)(A), a contribution of $4,000.00 (FOUR THOUSAND DOLLARS) was made to Donald Riegle, Jr., Riegle for

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Senate in '82 Committee and its treasurer. This amount exceeded the statutory monetary ceiling by $1,000.00 (ONE THOUSAND DOLLARS).

32. UPIU-PEP and its treasurer failed to accurately report the $1,000.00 (ONE THOUSAND DOLLARS) contribution of August 31, 1981, the $1,000.00 (ONE THOUSAND DOLLARS) contribution of April 24, 1982 and the $4,000.00 (FOUR THOUSAND DOLLARS) contribution of July 28, 1982 as contributions for the primary election to Donald W. Riegle, Jr., Riegle for Senate in '82 Committee amd its treasurer. In violation of 11 C.F.R. §104.14(d), UPIU-PEP and its treasurer failed to designate whether the contributions were intended for the primary or for the general election. (See F.E.C. Microfilm #s81032084291, 82032384094 and 82032484521.)

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IX. CONCLUSION

33. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

34. 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 the Respondents.

Michael Ernest Avakian
Center on National Labor Policy

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 16, 1984

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VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)
) ss.
State of Oklahoma)

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 29th day of February 1984.

Denise K. Almon
Notary Public

My Commission expires:

Sept. 17, 1986

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. 20463

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