CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 3 1976

Mr. Henry Radda
49 Cox Road
Yonkers, New York 10704

Re: MUR 224 (76)

Dear Mr. Radda:

This acknowledges receipt of your letter dated October 22, 1976, in further reference to MUR 224 (76). You cite a footnote on page 80 of the Federal Election Campaign Laws, compiled by the Federal Election Commission as giving the Federal Election Commission jurisdiction over the matter involved in your complaint. However, the language at the top of page 80 specifically informs the reader that the Commission is without jurisdiction as to sections of the law reprinted thereafter. Moreover, while the provisions of chapter 29 of Title 18, United States Code, relating to elections and political activities, supersede and preempt any provision of State law with respect to election to Federal office, Title 18 does not address the manner of qualification of candidates.

We appreciate your interest in seeing that the Federal Election laws are enforced; however, the information you have submitted lacks essential elements necessary to reopen the case on the grounds that a violation of the Act has occurred.

Sincerely yours,

William C. Oldaker
Assistant General Counsel

JB

JBrowning:pjg:11/1/76
cc: JB
MUR file
Chron file

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

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G.C. 224

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
- ☒ Show to whom, date, & address of delivery.. 35¢
- ☐ RESTRICTED DELIVERY.
  Show to whom and date delivered..... 65¢
- ☐ RESTRICTED DELIVERY.
  Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr Henry Badda

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438228	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

[signature]

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CLERK'S INITIALS

☆ GOP : 1976—O-203-466

OC #839
MUR 224

RECEIVED
FEDERAL ELECTION
COMMISSION

'76 OCT 25 AM 11:15

763144

49 Cox Avenue
Yonkers, N.Y. 10704

October 22, 1976

Honorable John G. Murphy Jr.
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Dear Mr. Murphy:

RE: MUR 224 (76)

Regarding your letter dated 23rd September 1976 in which you state that my allegations, alleging violations of the Federal Election Campaign Act of 1971 and as amended in 1976, does not come under your Commission's jurisdiction and therefore does not have the authority to act upon the complaint filed by us, is erroneous for the following reason.

On page 80 of the Federal Election Campaign Laws - compiled by the Federal Election Commission (Including the "Federal Election Campaign amendments of 1976" Public Law 94-283 published June 1976, Under Title 18, Crimes and Criminal Procedures, Chapter 29, Elections and Political Activities, Section 591: Definitions[1]

[1]The footnote specifically states: Effect on State Law. The provisions of Chapter 29 of Title 18, United States Code, relating to elections and political activities, supersede and preempt any provisions of State Law with respect to election to Federal Office.

The terms "election" "Federal Office" and "State" as used in the preceding sentence of this footnote have the meanings given them by Section 591 of Title 18 United States Code. End of Footnote.

Therefore the Commissioners of the Board of Elections of the State of New York violated the federal law when they accepted as valid a petition which designated a candidate for office of "Member of Congress" and invalidated our petition which properly designated a candidate for the Federal Office of "Representative in Congress."

We further believe the action taken by the afore mentioned Commissioners of Board of Elections of New York State have by their action violated our Constitutional Rights under 9th and 10th amendments of U.S.Constitution.

We are also of the opinion that if no action is forthcoming from your office then only redress will be to compile and sum up in chronological order all the action and evasive decisions taken by the New York State authorities, judiciary and the Federal Election Commission, by bringing the matter to the attention of the Press. Furthermore, during the period following the decision of the New York State Board of Elections when the matter was up for appellate review by the Appellate Division, third department and subsequently by the Court of Appeals, the issue therein presented which was a federal issue was either by-passed or ignored by the Appellate Courts of New York. The Appellate Division found that the federal question raised had "no merit". The Court of Appeals required printed record and printed briefs which it did not request from the other candidates similarly situated, therefore, we submit the entire federal question of the two appeals heretofore presented by counsel for the undersigned was never reviewed on the merits and by denying permission impliedly given other candidates similarly situated to proceed on typewritten papers to prosecute their appeal to the Court of Appeals, The petitioner candidate for federal office was denied his constitutional rights under the 14th Amendment of the Federal Constitution.

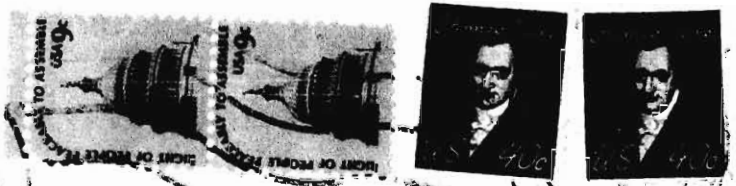
Finally, we wish to point out that any action of the State Election Agency or a State Court which is discriminating and unfair under the facts as herein outlined qualifies for inquiry by your agency and we request such action.

Sincerely,

Henry Radda

Henry Radda

Henry Radda
49 Cox Avenue
Yonkers, N.Y. 10704



'78 OCT 26 ... 54

Honorable John G. Murphy Jr.
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington , D.C. 20463

RETURN RECEIPT REQUESTED

CERTIFIED
No. 482536
MAIL

7 1 4 1 1 1 6 0 1

23 SEP 1976

Mr. Henry Radda
49 Cox Road
Yonkers, New York

Re: MUR 224 (76)

Dear Mr. Radda:

This letter is in response to your complaint received August 27, 1976, alleging violations of the Federal Election Campaign Act of 1971, as amended (the Act). I have reviewed your allegation and have concluded that the Federal Election Commission does not have authority over the matters set forth.

Under the Commission's proposed regulations (Part 108.7), the Act does not supersede State laws concerning the manner of qualification of candidates. Therefore, the laws of the State of New York would be applicable in determining the propriety of the means of qualifying for a position on the primary ballot. Accordingly, upon my recommendation, the Commission has decided to close its file in this matter.

Should additional information come to your attention which you believe to be within the jurisdiction of the Commission, please contact me again. The staff member assigned to this case was Judy Browning (telephone no. 202/382-4055).

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

JBrowning:amh:9/9/76:MUR File

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

7 7 0 0 2 3 0 1 9

23 SEP 1976

Mr. Bruce F. Caputo
250 Pondfield Road West
Bronxville, N.Y. 10708

Re: MUR 224 (76)

Dear Mr. Caputo:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to complainant, the Commission believes that it has no jurisdiction over the complaint and, accordingly, does not intend to investigate the matter any further.

Sincerely yours,

Signed: John G. Murphy, Jr.

John G. Murphy, Jr.
General Counsel

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

JBrowning:amh:9/9/76:MUR File

7 7 0 0 2 3 0 2 0

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Mr. Bruce Caputo)

MUR 224 (76)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on September 23, 1976, the Commission adopted the recommendation of the General Counsel that it finds no reason to believe that a violation of the Federal Election Campaign Act, as amended, had been committed in the above-captioned matter.

Accordingly, the file in this case has been closed.

Marjorie W Emmons

Marjorie W. Emmons
Secretary to the Commission

MEMORANDUM TO: BILL OLDAKER

FROM: MARJORIE EMMONS mwe

SUBJECT: MURS

All of the MURS listed below were transmitted to the Commission on September 21, 1976 - 11:30. As of September 22, 1976 - 2:30, no objections were received in MURS 224 (76) and 225 (76).

All Commissioners returned their vote with the exception of Commissioner Staebler.

7 7 0 4 0 1 5 0 2 1

DATE AND TIME OF TRANSMITTAL: _____

NO. MUR 224 (76)

REC'D: August 27, 197

FEDERAL ELECTION COMMISSION
Washington, D. C.

Complainant's Name: Mr. Henry Radda (notarized)

Respondent's Name: Mr. Bruce Caputo

Relevant Statute: 2 U.S.C. §453 (and proposed regulation part 108.7)

Internal Reports Checked: None

Federal Agencies Checked: None

SUMMARY OF ALLEGATION

That respondent misrepresented himself on nominating petitions as a "Member of Congress", thereby possibly getting signatures of voters who may have thought that he was running as an incumbent.

PRELIMINARY LEGAL ANALYSIS

The manner of qualification of a Federal candidate is determined according to relevant State law. See 2 U.S.C. ~~§433~~ §453, FEC proposed regulations 108.7.

RECOMMENDATION

Close file. Send attached letter.

OFFICE OF GENERAL COUNSEL

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

Mr. Henry Radda
49 Cox Road
Yonkers, New York

Re: MUR 224 (76)

Dear Mr. Radda:

This letter is in response to your complaint received August 27, 1976, alleging violations of the Federal Election Campaign Act of 1971, as amended (the Act). I have reviewed your allegation and have concluded that the Federal Election Commission does not have authority over the matters set forth.

Under the Commission's proposed regulations (Part 108.7), the Act does not supersede State laws concerning the manner of qualification of candidates. Therefore, the laws of the State of New York would be applicable in determining the propriety of the means of qualifying for a position on the primary ballot. Accordingly, upon my recommendation, the Commission has decided to close its file in this matter.

Should additional information come to your attention which you believe to be within the jurisdiction of the Commission, please contact me again. The staff member assigned to this case was Judy Browning (telephone no. 202/382-4055).

Sincerely yours,

John G. Murphy, Jr.
General Counsel

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

FEDERAL ELECTION COMMISSION

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

Mr. Bruce F. Caputo
250 Pondfield Road West
Bronxville, N.Y. 10708

Re: MUR 224 (76)

Dear Mr. Caputo:

I am forwarding the enclosed complaint pursuant to §437g(a)(2) of the Federal Election Campaign Act for your information. As shown by the attached copy of my letter to complainant, the Commission believes that it has no jurisdiction over the complaint and, accordingly, does not intend to investigate the matter any further.

Sincerely yours,

John G. Murphy, Jr.
General Counsel

Enclosure

AMERICAN REVOLUTION BICENTENNIAL 1776-1976

76 AUG27 AM 1:38

Rochester, New York
August 26th, 1976.

761800

Dear Sirs,

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

7 0 4 0 0 3 5 0 2

[illegible] Party Petition

[illegible] day of [illegible]

I, [illegible] do hereby [illegible] that I am a duly [illegible] of the State of New York, and [illegible] for over [illegible] and that I am [illegible] the Conservative Party, that my place of real home is [illegible] and I do hereby request the following named person (or persons) [illegible] election to a party position of such party to be [illegible], 197[illegible].

[illegible]	[illegible]	PLACE OF RESIDENCE Also Post Office Address if not identical (or Zip)
[illegible]	Member of Congress [illegible] Congressional District State of New York	[illegible] Rd. Bronxville, New York Westchester County (Insert County after Address)

[illegible] — (here insert the [illegible] of which shall be enrolled voters of the [illegible]

	NAME	ADDRESS	
[illegible]	31 [illegible] Circle	Bronxville	, New York 10708
[illegible]	6237 [illegible]	Bronx	New York 10471 Zip
[illegible]	Box 65, Roberts [illegible]	Pound Ridge	, New York 10576 Zip
[illegible]	29 Van Wyck Street	Croton-on-Hudson	, New York 10520 Zip

[illegible] fill vacancies in accordance with the provisions of [illegible] Law.

[illegible], I have hereunto set my hand [illegible] Signature.

	NAME OF VOTER (Signature)	RESIDENCE (Street and No.)	CITY OF NEW YORK STATE OF NEW YORK COUNTY [illegible] A.D. (Either place or point)		
[illegible]	[illegible]	[illegible]	Bx	55	86
[illegible]	[illegible]	[illegible]	Bx	55	86
[illegible]	[illegible]	[illegible]	Bx	57	86
[illegible]	[illegible]	[illegible]	Bx	63	86
[illegible]	[illegible]	[illegible]	Bx	64	86
[illegible]	[illegible]	[illegible]	Bx	63	86
[illegible]	[illegible]	[illegible]	Bx	63	86
[illegible]	[illegible]	[illegible]	Bx	65	86
[illegible]					
[illegible]					
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[illegible]					
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[illegible]					
[illegible]					

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

[illegible] below any [illegible] only by the [illegible] who obtained the signatures, have [illegible] only after [illegible] the [illegible] Witness must be an enrolled Conservative residing in the Congressional District.

STATEMENT OF WITNESS

I, Anne M Dwyer (Name of Witness [illegible]), state: I am a duly qualified voter of the state of New York and a [illegible] of the Conservative Party, I reside at 208 Pelham Road Street [illegible] (Full or Exact Address, the Post Office if not [illegible]), which is in the [illegible] Election District of the [illegible] (Full in Number) Assembly District in the City of New York in the County of Bronx. I was last registered for the general election in the year 1975 at [illegible] in the County of [illegible]. The said residence [illegible] Assembly District in the City of New York.

I [illegible] the [illegible] sheet containing 8 signatures, sub-

SEP 09 1976

Mr. Henry Radda
49 Cox Road
Yonkers, New York

Re: MUR 224 (76)

Dear Mr. Radda:

This is to acknowledge receipt of your complaint received August 27, 1976, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken.

Sincerely yours,

William C. Oldaker
Assistant General Counsel

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

JBrowning:pjg:9/8/76
CC: MUR file
JB

7704023030

CC # 455
MUR 224

RECEIVED FEDERAL ELECTION COMMISSION
76 AUG 27 A11:38

49 Cox Road
Yonkers, New York
August 25th,1976.

Mr. Drew Mc Kay
Chief of Disclosure
F.E.C.
1325 "K" Street N.W.
Washington,D.C. 20463

CONTROL # 761800

Dear Sir:

Pursuant to Section 437 g of the Federal Campaign Act of 1976, the undersigned candidate for the Federal Office of Representative in Congress from the 23rd Congressional District of New York,makes a complaint that his opponent, one Bruce Caputo of 250 Pondfield Road West, Bronxville, New York did designate the office we are both running for on the Conservative Party line in the said Congressional District as " Member of Congress " from that district although he was neither an incumbent in that post or a person appointed to that seat to fill an unexpired term, thereby giving the impression that he was in fact the incumbent Congressman from that Congressional District.

Consequently, nominating petitions submitted on behalf of said Bruce Caputo with the Board of Elections of New York State and filed with thatagency did carry signatures of voters from the election districts within that Congressional District, who may have signed his nominating petitions thinking or believing that he was in fact the elected incumbent Congressman from that district rather than just a candidate for that seat,not yet designated as such by Conservative Party at the time of filing with the said Board of Elections.

Subsequently, petitioner's nominating petitions contained signatures allegedly the duplicate of those voters who signed complainant's nominating petitions under the impression and thereby, the mistaken impression that Caputo was the incumbent, which he was not. Our petitions were invalidated subsequently by the Board of Elections for containing these duplicate signatures, among

other things, which ~~are~~ is presently being appealed in the Appellate Division Third Department of New York's Supreme Court. Consequently as an aggrieved party,(a Candidate for the same office) we submitted our nominating petitions listing the designation of the office we were a candidate for as "Representative in Congress" .

We wish to point out that under the definitions Section (431) of the FCA, the federal office is defined as'Representative in Congress'and not as "Member of Congress" as appeared on our opponents Caputo's petitions because, the latter designation could include Congressional employees (investigators, clerks, aides etc.,) while the former designation does not. A representative in Congress is a duly ellected official to the Congress while "Member of Congress" could be anyone who is a Comgressional employee.

So using this vague, ambiguous designation for the office for which he was a candidate, my opponent, Bruce Caputo, obtained signatures which were validated by the Board of Elections of N Y and which formed the basis of his name appearing on the ballot in the primary of September 14th and the general election in November. Meanwhile my nominating petitions were invalidated for, among other things containing some ~~duplicate~~ duplicate signatures to those appearing on my opponents nominating petitions and we are now off the ballot.

We submit his nominating petions filed with the Board of Elections of N Y are doubly invalid (1) because his petitions incorrectly designated the office he was running for as "Member of Congress" under Section 431 (a)-(c) of the F C A of 1976 and (2) for conveying the impression that he was the incumbent Congressman seeking re=election to that post; which if it were the basis for obtaining signatures on his designating petition, would be patently invalid as having been pbtained by misrepresentation both to the voters siging his nominating petitions and those to whom they were offered. This,

OFFICE OF GENERAL COUNSEL

we submit is contrary to the letter and legislative intent of the Federal Campaign Act of 1976 and a serious violation of the statute.

Consequently, we wish to demand that our opponents nominating petitions filed with the Board of Elections in July be scrutinized and a determination made as to whether they violated Sections 431 and 437 g of the F.C.A. of 1976. If it is so found by the Federal Election Commission, then appropriate action under The FCA we ask, be taken immediately to (1) restrain our opponent, Bruce Caputo and the Board of Elections of N Y State from having his name appear on the ballot as the Conservative candidate for Congress from the 23rd Congressional District of New York, in the general election to be held in November 1976 and (2) that the finding of **invalidity** of his nominating petitions for serious violations of the F.C.A. of 1976 be the basis for seeking restoration of our name to the ballot as candidate for Congress because we were ruled off for allegedly having duplicate signatures to those appearing on Caputo's nominating petitions whose own petitions were patently invalid under the statute and (3) for applying appropriate penalties to our said opponent for violation of the F.C.A. and for the expenses of this proceeding as provided under the F.C.A. of 1976 and finally (4) this being a federal question, it cannot be decided in a State Court.

Respectfully,

Henry Radda

Henry Radda

State of New York)
) SS:
County of New York

HENRY RADDA, being duly sworn deposes and states that he is the foregoing complainant in the within letter; he has read the the foregoing letter of complaint and knows the contents thereof; the same is true to his own knowledge except as to matters therein alleged to be on information and belief and as to those matters he believes it to be true.

Henry Radda

Henry Radda

Sworn to before me this
25th day of August 1976.

Lucian J. Rossi

Notary Public

LUCIAN J. ROSSI
NOTARY PUBLIC, State of New York
No. 31-0268875
Qualified in New York County
Commission Expires March 30, 1977

FEDERAL ELECTION COMMISSION
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OFFICE OF GENERAL COUNSEL

CONSERVATIVE PARTY — Designating Petition

To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly enrolled voter of the Conservative Party, that my place of residence is truly stated opposite my signature hereto and I do hereby designate and I intend to support the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party to be voted for at the primary election to be held on the 14th day of September, 1976.

NAME OF CANDIDATE FOR PUBLIC OFFICE	PUBLIC OFFICE	PLACE OF RESIDENCE Also Post Office Address if not identical (& Zip)
Bruce F. Caputo	Member of Congress from 23rd Congressional District State of New York	250 Pondfield Road West Bronxville, New York 10708 Westchester County (Insert County after Address)

I DO HEREBY APPOINT — (here insert the names and addresses of at least three persons all of whom shall be enrolled voters of the Conservative Party).

NAMES		ADDRESSES	
Wilson G. Price	31 Brookside Circle	Bronxville	New York 10708 Zip
George F. McGuinness	6239 Broadway	Bronx	New York 10471 Zip
John J. Flynn	Box 66, Peters Lane	Pound Ridge	New York 10576 Zip
Laurie Racolin Lyons	29 Van Wyck Street	Croton-on-Hudson	New York 10520 Zip

as a committee to fill vacancies in accordance with the provisions of law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and [illegible] opposite my signature.

DATE (please print)	NAME OF SIGNER (actual signature)	RESIDENCE (please print)	CITY OF NEW YORK STATE OF NEW YORK COUNTY (witness please print)	E.D.	A.D.
1. 6-30-76, 1976	Kenneth [illegible]	322 E 239 St	Bx	65	86
2. 6-30-76, 1976	Patricia Crowl	332 E 239 St	Bx	65	86
3. June 30, 1976	John J. Kenness	276 E 236 St	Bx	67	86
4. June 30, 1976	Michael Timlin	266 E 235 St	Bx	63	86
5. July 7, 1976	Caroline Ranucci	214 E 2[illegible] St	Bx	64	86
6. July 7, 1976	[illegible]	350 E [illegible] St	Bx	63	86
7. July 7, 1976	Joseph [illegible]	350 E 2[illegible] St	Bx	63	86
8. July 7, 1976	[illegible]	205 E 238 St	Bx	65	86
9. , 1976					
10. , 1976					
11. , 1976					
12. , 1976					
13. , 1976					
14. , 1976					
15. , 1976					

(The "Statement of Witness" below may be signed only by the actual Witness who obtained the signatures above and only after all the blanks in the "Statement of Witness" have been filled in. The Witness must be an enrolled Conservative residing in the Congressional District.)

STATEMENT OF WITNESS

I, Anne M Dwyer (Name of Witness) (Please Print), state: I am a duly qualified voter of the state of New York and am an enrolled voter of the Conservative Party, I now reside at 250 East 240 Street 10470 (Fill in Residence Address, also Post Office if not Identical) which is in the 66 (Fill in Number) Election District of the 86 (Fill in Number) Assembly District in the City of New York in the County of Bronx. I was last registered for the general election in the year 1975 from 250 East 240 St 10470 (Fill in Prior Residence Address, also Post Office if not Identical) in the County of Bronx (Do not use the word "Same"). The said residence was then in the 86 (Fill in Number) Assembly District in the City of New York.

Each of the individuals whose names are subscribed to this petition sheet containing 8 (Fill in Number) signatures, subscribed the same in my presence and identified himself to be the individual who signed this sheet.

LUCIAN J. ROSSI

375 Park Avenue

New York, N.Y. 10022

CENTRAL STA 10017

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7 7 0 1 1 3 6 0 3

7 7 0 1 1 3 6 0 3

7 7 0 1 1 3 6 0 3

7 7 0 1 1 3 6 0 3

7 7 0 1 1 3 6 0 3

7 7 0 1 1 3 6 0 3

CERTIFIED

No. 3299

MAIL

Mr. Drew McKay

Chief of Disclosure

Federal Election Commission

1325 "K" Street

Washington D.C. 20463

RETURN RECEIPT REQUESTED