



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2719

DATE FILMED 2/13/91 CAMERA NO. 4

CAMERAMAN AS

21540324071

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE: 17 June 1988**

**ANALYST: Brian J. Hancock**

**I. COMMITTEE:** Populist Party of the United States  
(C00201343)  
Faye G. Miller, Treasurer  
1921 Summer Place Drive, West  
Mobile, AL 36618

**II. RELEVANT STATUTE:** 2 U.S.C. §434(b)  
11 CFR 104.3

**III. BACKGROUND:**

**Failure to Provide a Complete Itemization of Financial Activity for the 1987 Mid-Year and Year End Reports**

The Populist Party of the United States ("PPUS") is unable to provide detailed information of financial activities concerning certain receipts, disbursements, loans, and debts, which may require disclosure under the Act, for the 1987 Mid-Year and Year End Reports.

On July 31, 1987, PPUS filed its 1987 Mid-Year Report (Attachment 2). A cover letter accompanying the report acknowledges an "incomplete set of records for the purpose of reporting", because of apparent outside interference and "...irregular handling of funds..." by a "...California group..." (Attachment 3). Notes on Schedules A, B, C, and D of the report by PPUS Treasurer Ms. Faye Miller state that she does not have the information necessary to properly complete these schedules (Attachments 4 through 7).

The Reports Analysis Division ("RAD") analyst sent a Request for Additional Information ("RFAI") on November 4, 1987 asking for the missing information and/or further clarification of this situation (Attachment 8).

A Second Notice was sent on November 25, 1987, for failure to respond (Attachment 9).

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POPULIST PARTY OF THE UNITED STATES  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 2

On January 6, 1988, the RAD analyst contacted Ms. Miller in response to a message she had left the previous day regarding the 1987 Mid-Year Report. Ms. Miller stated that she could not find her copy of the Mid-Year Report and requested that the RAD analyst send her a copy. The RAD analyst agreed to do so, but reminded Ms. Miller that if a response clarifying the problems outlined in the RFAI was not received early the next week, he would be forced to refer the matter to the Office of General Counsel. Ms. Miller replied that she needed a copy of the Mid-Year Report to complete the response, which she would forward as soon as possible (Attachment 10).

On January 13, 1988, Ms. Miller filed a response. This response reiterated Ms. Miller's previous position "...of being unable to supply certain detailed information..." which the Commission had requested. In addition, this response outlined the problems encountered by Ms. Miller in recent dealings with the San Diego, California office of PPUS, whose officers were apparently withholding various financial information Ms. Miller felt should have been included on the PPUS Mid-Year Report (Attachment 11).

PPUS filed its 1987 Year End Report on January 30, 1988 (Attachment 12). Notes on Schedules A and D of this report again stated that Ms. Miller felt there may have been activity during the period which may have required itemization on the respective schedules, but that she did not have access to the pertinent records as they were not in her possession (Attachments 13 and 14).

On March 16, 1988, the RAD analyst sent an RFAI on the 1987 Year End Report asking for the missing information and/or further clarification of this situation (Attachment 15).

A Second Notice was sent on April 7, 1988, for failure to respond (Attachment 16).

Ms. Miller filed a response on May 20, 1988. This response presented an even more detailed account of the problems between the San Diego office of PPUS, and Ms. Miller's Mobile, Alabama office. The response indicated Ms. Miller's belief that all financial activities carried out by PPUS are being done out of the San Diego office, and that PPUS officials at this office are effectively denying her the ability to carry out her duties as treasurer by failing to forward information necessary for filing complete and accurate reports (Attachment 17).

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**POPULIST PARTY OF THE UNITED STATES  
REPORTS ANALYSIS OGC REFERRAL  
PAGE 3**

As of this date, no further response has been received from PPUS.

**IV. OTHER PENDING MATTERS INITIATED BY RAD:**

None.

21040324074

2 1 0 4 0 3 2 4 0 7 5

FEDERAL ELECTION COMMISSION  
1987-1988

DATE 3JUN88

COMMITTEE INDEX OF DISCLOSURE DOCUMENTS - (C)

PAGE 1

COMMITTEE	DOCUMENT	RECEIPTS	DISBURSEMENTS	COVERAGE DATES	# OF PAGES TYPE OF FILER	MICROFILM LOCATION
POPULIST PARTY OF THE UNITED STATES CONNECTED ORGANIZATION: NONE						ID #C00201343 PARTY NON-QUALIFIED
1987	MID-YEAR REPORT	13,332	24,359	1JAN87 - 1JUL87	13	87FEC/462/1378
	MID-YEAR REPORT - AMENDMENT	13,332	24,359	1JAN87 -30JUN87	15	88FEC/498/2823
	REQUEST FOR ADDITIONAL INFORMATION			1JAN87 -30JUN87	1	87FEC/492/5134
	REQUEST FOR ADDITIONAL INFORMATION 2ND YEAR-END	284	407	1JAN87 -30JUN87	2	87FEC/495/1097
	REQUEST FOR ADDITIONAL INFORMATION			1JUL87 -31DEC87	9	88FEC/504/4298
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	1	88FEC/513/1136
	REQUEST FOR ADDITIONAL INFORMATION 2ND			1JUL87 -31DEC87	2	88FEC/516/0884
1988	APRIL QUARTERLY	0	0	1JAN88 -31MAR88	9	88FEC/519/3827
	REQUEST FOR ADDITIONAL INFORMATION			1JAN88 -31MAR88	1	88FEC/528/2650
	TOTAL	13,616	0 24,766		0	53 TOTAL PAGES

All Reports Have Been Reviewed

Ending Cash-on-Hand as of 3/31/88: \$0

Debts Owed To the Committee as of 3/31/88: \$0

Debts Owed By the Committee as of 3/31/88: \$??

# REPORT OF RECEIPTS AND DISBURSEMENTS

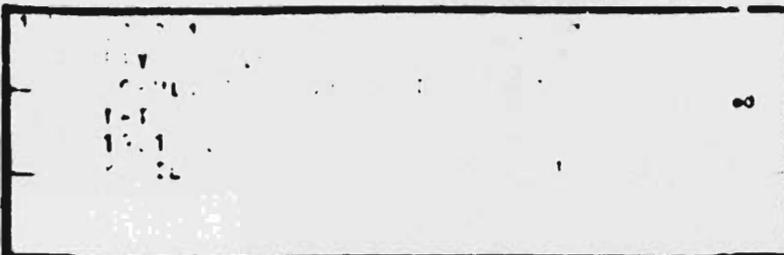
For Other Than An Authorized Committee

(Summary Page)

Attachment 2

87 AUG 4 11:05

USE FEC BOARD LABEL OR TYPE ON FRONT



2. FEC IDENTIFICATION NUMBER:

C00201343

3. This committee qualified as a multi-problem committee DURING THIS Reporting Period

## 4. TYPE OF REPORT

- (a) April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report
- Monthly Report Quarterly
- February 28, March 31, April 30, May 31, June 30, July 31, August 31, September 30, October 31, November 30, December 31
- Twelfth day report preceding election on \_\_\_\_\_ in the State of \_\_\_\_\_
- Thirtieth day report following the General Election on \_\_\_\_\_ in the State of \_\_\_\_\_
- (b) Is this Report an Amendment? YES  NO

## SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period _____ through _____		
6. (a) Cash on Hand January 1, 19__		\$ 51,791.30
(b) Cash on Hand at Beginning of Reporting Period	\$ 11,154.22	
(c) Total Receipts (from Line 18)	\$ 13,332.45	\$ 13,332.45
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 24,486.67	\$ 24,486.67
7. Total Disbursements (from Line 28)	\$ 24,359.18	\$ 24,359.18
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 127.49	\$ 127.49
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and or Schedule D)		
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and or Schedule D)		

SEE ATTACHED LETTER

For further information contact:  
Federal Election Commission  
995 E Street, N.W.  
Washington, DC 20541  
Tel: Free 800 424-9541  
Area 202 376-7527

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

Type or Print Name of Treasurer:

FAYE G. MILLER

Signature of Treasurer:

*Faye G. Miller*

NOTE: Submission of this report does not constitute a complete information return. For more information, see the instructions to this report.

FEC

91040821379

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer  
1921 Summer Place Drive West  
Mobile, Al 36618

(205) 344-7956

July 30, 1987

Federal Election Commission  
Washington, D.C. 20463

Re: C00201343

Attention: Records and Reports Dept

Gentlemen:

Enclosed is the July 31 Mid-Year Report for the above captioned.

You will note certain comments on Schedules A, B, C, D. These are the result of the fact that contributions to the Populist Party have evidently been handled by a California group and disbursements for the payment of debts have been handled by this same group. This by-passing of the National Treasurer's office has resulted in an incomplete set of records for the purpose of reporting.

Due to this irregular handling of funds, I will assume responsibility for the correctness and completeness of the figures contained on this report only.

If further information is required, please advise.

Very truly yours,

*Faye G. Miller*

Faye G. Miller  
National Treasurer

CERTIFIED

MAIL

7-31-87

87 AUG 4 11:08

REC'D

31700430432403773

DECLARANT'S RECEIPTS

1987 Mid-Year Report

separate schedule(s) for each category of the Detailed Summary Page

PAGE	OF
1	1
FOR LINE NUMBER	
11 of 11	

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)

POPULIST PARTY OF THE UNITED STATES

021040413078

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
The probability exists that there is an entry that should be included hereon. However, I do not have, nor can I secure the information necessary to properly complete this page			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation		
	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional)	
TOTAL This Period (last page this line number only)	

LE B

ITEM 6 DISBURSEMENTS

separate schedule(s) for each category of the Detailed Summary Page

1987 Mid-Year Report

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)

POPULIST PARTY OF THE UNITED STATES

870034321037397

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
C/C IRS Atlanta, Ga	Payment on payroll tax Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6-22-87	1,060.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL of Disbursements This Page (optional)

1,060.00

TOTAL This Period (last page this line number only)

24,359.18 \*\*\*

\*\*\* - Other payments on debts have been made. However, the funds collected for this purpose and the payments thereto were not forwarded to this office; therefore are not included here

1987

ULE C  
3/80)

1987 Mid-Year Report  
LOANS

Page 1 of 1 for  
LINE NUMBER 13  
(Use separate schedules  
for each numbered line)

879348323980

Name of Committee (in Full) <b>POPULIST PARTY OF THE UNITED STATES</b>			
A. Full Name, Mailing Address and ZIP Code of Loan Source <b>Faye G. Miller 1921 Summer Pl Dr W Mobile, Al 36618</b>	Original Amount of Loan <b>400.00</b>	Cumulative Payment To Date <b>400.00</b>	Balance Outstanding at Close of This Period <b>-0-</b>
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred <u>2-19-87</u> Date Due <u>3-19-87</u> Interest Rate <u>10%</u> (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
NOTE - Another loan was involved during this period. I do not have the information to complete this form to include same.			
Amount Guaranteed Outstanding: \$			
2. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
Occupation			
Amount Guaranteed Outstanding: \$			
3. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
Occupation			
Amount Guaranteed Outstanding: \$			
B. Full Name, Mailing Address and ZIP Code of Loan Source	Original Amount of Loan	Cumulative Payment To Date	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ % (apr) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
Occupation			
Amount Guaranteed Outstanding: \$			
2. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
Occupation			
Amount Guaranteed Outstanding: \$			
3. Full Name, Mailing Address and ZIP Code	Name of Employer	[REDACTED]	[REDACTED]
Occupation			
Amount Guaranteed Outstanding: \$			
SUBTOTALS This Period This Page (optional) . . . . .			
TOTALS This Period (last page in this line only) . . . . .			
Carry outstanding balance only to LINE 3, Schedule D, for this line. If no Schedule D, carry forward to appropriate line of Summary.			

**DEBTS AND OBLIGATIONS  
 Excluding Loans**

1987 Mid-Year Report

8,703,482.1389

Name of Committee (in Full)	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
<b>POPULIST PARTY OF THE UNITED STATES</b>  A. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Debts owed for operational expense may exist which should be itemized hereon. I do not have sufficient information to determine this.				
Nature of Debt (Purpose):				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional) . . . . .				
2) TOTAL This Period (last page this line only) . . . . .				
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only). . . . .				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) . . . . .				



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

NOV 4 1987

Faye G. Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, AL 36618

Identification Number: C00201343

Reference: Mid-Year Report (1/1/87-6/30/87)

Dear Ms. Miller:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-The beginning cash balance of this report should equal the ending balance of your 1986 Year End Report. Please clarify this discrepancy and amend any subsequent report(s) which may be affected by this correction.

-Please provide a Schedule A to support the entry reported on Line 13 of the Detailed Summary Page. All loans and loan repayments received by your committee must be itemized on Schedule A, regardless of the amount loaned or repaid. 2 U.S.C. §434(b)(3)(E).

-A cover letter attached to your report indicates that an "incomplete set of records" was provided to you because of some intervention by a certain "California Group." As a consequence, your report fails to show financial activity on Schedules A, B, C and D which may require disclosure under the Act. Please amend your report by providing the missing information and/or a letter further clarifying this situation. *Ben*

An amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

*Brian J. Hancock*  
Brian J. Hancock  
Reports Analyst  
Reports Analysis Division

8170349510823



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-3

November 25, 1987

Faye G. Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, AL 36618

Identification Number: C00201343

Reference: Mid-Year Report (1/1/87-6/30/87)

Dear Ms. Miller:

This letter is to inform you that as of November 24, 1987, the Commission has not received your response to our request for additional information, dated November 4, 1987. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Brian J. Hancock on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson  
Assistant Staff Director  
Reports Analysis Division

Enclosure

981707430489251098337

## MEMORANDUM TO THE FILES:

COMMITTEE: Populist Party of the United States  
I.D. NUMBER: Coo201343  
CONTACT: Ms. Faye G. Miller, Treasurer  
DATE: 1/6/88  
ANALYST: Brian Hancock  
SUBJECT: MY Report

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91040324034

I returned Ms. Miller's call of 1/5 today. Ms. Miller stated that she could not find her copy of the 1987 Mid-Year report, and asked if I could send her a copy of the report. I replied that yes, I would mail out a copy today. I also reminded Ms. Miller that we still had not received a response to our RFAI on the Mid-Year Report, and that if a response clarifying the problems I had outlined was not received by early next week, I would be forced to refer the matter to our Office of General Counsel. She replied that she needed the copy of the Mid-Year Report to complete her response, but would forward a response to the Commission as soon as possible.

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer  
1921 Summer Place Drive West  
Mobile, Al 36618

(205) 344-7956

January 11, 1988

88 JAN 13 AM 9:49

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

HAND DELIVERED

Mr. Brian J. Hancock  
Federal Election Commission  
Washington, D.C. 20463

Re: Mid-Year Report (6-30-87)

Dear Sir:

In answer to your inquiry regarding the above mentioned report I am attaching herewith an Amended Report, along with an explanation of certain of the items in question.

I am very sorry for the delay in furnishing this information. I was out of town for several weeks during the time your first letter arrived. I appreciate your forwarding a copy of this report; in packing and storing the records of the Party, there has apparently been some misplacement of files which necessitated my having to rely on you to send this copy.

Inasmuch as there has been no activity by the Party that I am aware of and no apparent intent by the leadership to generate any Party activity, witnessed by the Chairman's refusal to answer correspondence from me, I am unfortunately in the position of being unable to supply certain detailed information requested by you. I trust the following information regarding each of these questions will suffice, though.

1. Line 6 (a) ...

The only correction required regarding this entry is to correct the typographical error, changing the entry from \$53,791.30 as originally stated to the correct entry of \$11,154.22. You will note that this correction in no way affects the other lines of this page. This error should have been detected in the final checking before mailing.

2. Schedule A - Line 13

The Amended Report contains this entry on Page 1, Line B.

3. Schedule A - Reference cover letter attached to Report

My information concerning "Itemized Receipts" is , by no means, >

9 9 0 3 4 9 3 2 4 0 3 5

Mr. Brian J. Hancock - continued  
Page -2-

complete in spite of the fact that I have exhausted all means at my disposal to either prevent or correct what I believe to be improper conduct on the part of those who have chosen to circumvent the National Treasurer in the receiving and disbursing of Party funds. The following is an explanation of matters surrounding these receipts, This same information pertains to Schedule B "Itemized Deductions".

(a) All contributions to the Populist Party from inception have been received by the San Diego office, supposedly put into the computer and subsequently mailed to me for deposit. The contribution list has never been a part of my records and I have never been privy to this list. Without the contributor list I cannot determine if there is any excess contributions which should be notated and have in the past had to rely on the San Diego office for this information. In fact, obtaining this information from this S.D. office was the direct cause of one of the FEC reports being filed delinquent- before I realized that the report should have been filed without this detail.

(b) Information I have been able secure strongly indicate that funds have come into the San Diego office, and disbursements made by another organization which is not an affiliate of the Populist Party and whose members (some 60 ) have been advised by me that the handling of Party funds in this manner violates the FEC regulations. I have no records of receipts or disbursements involved in this. However, I was told by telephone in May 1987 by William K. Shearer, Parliamentarian and the father of Nancy Shearer who was in charge of the San Diego office that certain funds - somewhere in excess of \$4,000.00 had been collected. He stated he would not send them to me unless I agreed to pay those debts he chose. Inasmuch as the Executive Committee in the session held in Dallas, March 1987, had approved those debts that would be paid and also, approved a projected budget I could not follow his dictates. I am informed that debts of the Populist Party have been paid by an organization known as Operation Outreach which is an affiliate of the California American Independent Party. At no time have I received any information regarding the contributors or the vendors who have been paid. William K. Shearer and many of those persons in this Operation Outreach are well aware that this conduct of the Party business was not done either at my request, as National Treasurer, or with my permission or condolences.

I believe this above information covers your questions pertaining to Schedule A and Schedule B.

4. Schedule C - Loans

At the Executive Committee in March 1987 detailed discussion on the finances was had. At this time it was revealed that William K. Shearer had, without any authority , paid various bills he felt should be paid, and from his personal bank account, without prior approval or consideration. It was agreed he would include these amounts in a loan he agreed to make to the Party in the amount of \$4,000.00. He, thus gave me a check for the difference between \$4,000.00 and the amount of his personal disbursements. However, after receiving a copy of the Minutes of this Meeting I find the Minutes reveal

6  
3  
3  
2  
2  
2  
6  
0  
4  
2  
0  
0  
3  
3



# REPORT OF RECEIPTS AND DISBURSEMENTS

Attachment 12

For Other Than An Authorized Committee  
(Summary Page)

USE PRE-PAID LABEL OR TYPE ON PRINT

1 NAME OF COMMITTEE IN FULL  
 CCG201343 120787  
 FAYE G MILLER  
 POPULIST PARTY OF THE UNITED S  
 STATES  
 1926 SUMNER PLACE DR W  
 MOBILE AL 36618

2 FEC IDENTIFICATION NUMBER  
 C 00201343  
 3 This committee qualified as a multicandidate committee DURING THIS Reporting Period on \_\_\_\_\_ (date)

### 4. TYPE OF REPORT

- (a)  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report
- Monthly Report Due On  
 February 20  June 20  October 20  
 March 20  July 20  November 20  
 April 20  August 20  December 20  
 May 20  September 20  January 31
- 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 \_\_\_\_\_
- (b) Is this Report an Amendment?  YES  NO

### SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period <u>7-1-87</u> through <u>12-31-87</u>		
6 (a) Cash on Hand January 1, 19 <u>87</u>		\$ 11,154.22
(b) Cash on Hand at Beginning of Reporting Period	\$ 127.49	
(c) Total Receipts (from Line 18)	\$ 284.00	\$ 13,616.45
(d) Subtotal: Add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B	\$ 411.49	\$ 24,770.67
7 Total Disbursements (from Line 28)	\$ 407.02	\$ 24,766.20
8 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 4.47	\$ 4.47
9 Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and or Schedule D)	\$ See notes on	For further information contact Federal Election Commission 999 E Street NW Washington, DC 20543 Tel: (202) 426-9510 Telex: 202 376 3100
10 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and or Schedule D)	\$ Schedules	

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

Type or Print Name of Treasurer

Faye G. Miller

Signature of Treasurer

*Faye G. Miller*

NOTE: Submission of false, erroneous, or incomplete information may result in the suspension of the party's right to participate in the primary election process.

FEC FORM 20

910493644298

PART A

ITEMIZED RECEIPTS

1987 Year End Report

See separate schedule(s) for each category of the Detailed Summary Page

PAGE 1	OF 1
FOR LINE NUMBER 13	

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)  
POPULIST PARTY OF THE UNITED STATES

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Faye G. Miller 1921 Summer Pl Dr W Mobile, Al 36618	None	10-27-87	LOAN 264.00
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input checked="" type="checkbox"/> Other (specify): For offer of conciliation	Occupation: None	Aggregate Year-to-Date > \$	
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
The possibility exists that there may be entries that should be listed herein. I, the Treasurer, have never had access to those records which would make itemization possible.			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Occupation:	Aggregate Year-to-Date > \$	

88035044303

SUBTOTAL of Receipts This Page (optional)	264.00
TOTAL This Period (last page this line number only)	264.00

**DEBTS AND OBLIGATIONS  
Excluding Loans**

1987 Year End Report

8803450443033

Name of Committee (In Full) <b>POPULIST PARTY OF THE UNITED STATES</b>	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
A. Full Name, Mailing Address and Zip Code of Debtor or Creditor  Debts for operational expense may exist. I do not have sufficient information to determine entries for this Schedule D as all such records are not in my possession.				
Nature of Debt (Purpose):				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional) .....				
2) TOTAL This Period (last page this line only) .....				
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) .....				



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RQ-2

MAR 16 1988

Faye G. Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, AL 36618

Identification Number: C00201343

Reference: Year End Report (7/1/87-12/31/87)

Dear Ms. Miller:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. The review raised questions concerning certain information contained in the report(s). An itemization follows:

-Notes accompanying Schedules A and D of your report state that you "do not have sufficient information" to determine the correct entries for these Schedules. As a consequence, your report may fail to show financial activity requiring disclosure under the Act. Please amend your report by providing the missing information and/or further clarification of this situation.

A written response or an amendment to your original report(s) correcting the above problem(s) should be filed with the Federal Election Commission within fifteen (15) days of the date of this letter. If you need assistance, please feel free to contact me on our toll-free number, (800) 424-9530. My local number is (202) 376-2480.

Sincerely,

Brian J. Hancock  
Reports Analyst  
Reports Analysis Division

21940824091



## FEDERAL ELECTION COMMISSION

RQ-3

WASHINGTON, D.C. 20463

April 7, 1988

Faye G. Miller, Treasurer  
 Populist Party of the United States  
 1921 Summer Place Drive, West  
 Mobile, AL 36618

Identification Number: C00201343

Reference: Year End Report (7/1/87-12/31/87)

Dear Ms. Miller:

This letter is to inform you that as of April 6, 1988, the Commission has not received your response to our request for additional information, dated March 16, 1988. That notice requested information essential to full public disclosure of your Federal election financial activity and to ensure compliance with provisions of the Federal Election Campaign Act (the Act). A copy of our original request is enclosed.

If no response is received within fifteen (15) days from the date of this notice, the Commission may choose to initiate audit or legal enforcement action.

If you should have any questions related to this matter, please contact Brian Hancock on our toll-free number (800) 424-9530 or our local number (202) 376-2480.

Sincerely,

John D. Gibson  
 Assistant Staff Director  
 Reports Analysis Division

Enclosure

21040924092

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer  
1921 Summer Place Drive West  
Mobile, Al 36618

(205) 344-7956

May 19, 1988

MAILED DELIVERED

88 MAY 20 PM 1:18

RECEIVED  
FEDERAL ELECTION COMMISSION

Mr. Brian Hancock  
Federal Election Commission  
Washington, D.C. 20463

Dear Sir:

In answer to your request for additional information concerning various schedules of the Report, the following is a brief explanation.

1. Schedules A,B,C and D. - Itemized Receipts, Itemized Deductions  
Loans, Debts & Obligations

Lack of information available for these pages are all a result of the fact that William K. Shearer of San Diego, California, a former Parliamentarian of the Executive became angered with me and would not send contributions received at the San Diego office to me. The reason for this disagreement was that I refused to pay out Party funds according to his instructions, rather than according to the mandates of the Executive Committee and according to the regulations of the FEC. A more complete understanding of this can be determined from your reading the attached letters between Bill Shearer and me.

Inasmuch as Nancy Shearer, the daughter of Bill Shearer, was the person in charge of incoming and outgoing mail, it was very simple for this raid on contributions by Shearer to occur. I do not have any idea of how much funds were received by this San Diego office, nor do I know what bills were due or paid. I attempted to arrive at some figure for these schedules by calling those creditors I had record of. I quickly learned that some of the vendors I was aware of had been paid - in some cases by Nancy Shearer and in some by Operation Outreach - a subsidiary of the California American Independent Party (which I understand to be totally controlled by Bill Shearer). In other cases the vendor did not know who had paid the bill - just that their account with the Populist Party had been paid.

I have only received \$264.00 from the San Diego office since early March of 1987.

21040524093

Brian Hancock - continued

Page -2-

This amount was not deposited in the bank due to the fact that by the time I received these, many with "stale date", there was no longer an account with the bank.

I am attaching hereto letters between the Shearers and I regarding the handling of finances which should shed further light on the reasons for the notations on the FEC Reports.

If further information is desired, please advise.

Very truly yours,

*Faye Miller*  
Faye Miller

cc: March 2, 1987 - May 20, 1987 - - June 8, 1987  
Letters

*Mr. Hancock -*

*There are other letters  
pertaining to these matters  
if you'd like.*

21040324094

March 2, 1987

Dear Bill:

Perhaps I shouldn't write this letter at this time due to the pressures and problems you have. However, it appears things have deteriorated to the point where certain matters have to be laid out on the table. I had hoped, and thought, some of these could be left unsaid. However, the Conference Call yesterday removed any doubt in my mind that certain conduct could, or should, be further tolerated.

First and foremost, I do not believe you are knowledgeable of how the business in the S.D. office has been handled. Certainly you have some knowledge of the day to day activity but I find it impossible to believe that you know about and approve certain of the activities involved. Being fully aware that it is very difficult for any of us parents to accept the fact that a child can be in error, I am willing to take the chance of putting the following information before you. I hope you can accept this rather than dismiss it as "sour grapes" because I want Nancy's job, etc... an attitude that has been carefully planted in different circles. If you cannot accept this with an open mind, it will be a waste of your time to read further.

The following are facts that have, over a period of something like the past year left a "bad taste" in many peoples mind across the country, as well as in my own. Comments I have gathered over the past two weeks in calling across the country to try to get attendance in Dallas have, for the most part, been directed toward the fact that there is no answer to the telephone in the office a majority of the time, failure to respond to request for information and in some cases rudeness. Of course, you and I both know we can dismiss some of this. To dismiss a situation where some 80-90% of the people contacted have the same complaint is sheer folly. The majority of these people are not those we could consider our "enemy"; therefore, their attitude and the validity of their statement cannot be discounted.

I, personally, can attest to the fact that for the past year the service of the office has consistently been on a downhill slide. I am certain that the office phone was not properly taken care any more than 30-40% of the time. It not only was not answered, they did not even bother to put it on "call forwarding" or answering service. On other occasions, after trying from about 9 am your time, I would finally get an answer around 1 pm your time, and then a long dissertation on what all they had been doing. Surely, we should be able to expect one of the two to be available to answer the phone during the usual 8 hour business day. Of course, I am told repeatedly that no one ever called other/John<sup>THAN</sup> and I. How in the world would you know who called if you were not there to answer the phone and did not have the answering machine on? On other occasions I have had Chandra answer and explain that both Nancy and her mother had gone to the post office, picking up supplies, etc. What kind of business policy is this? The people out in the field see the FEC reports - as some reminded me - and it is not difficult for them to figure out what it costs to run that office. This, in addition to the fact that Willis is constantly reminding everyone of anything he can think of has made for an almost intolerable situation and one which is going to be our downfall if we aren't very careful in the next year, Bill. How can you explain all this, Bill. For that matter why should any one of us be faced with the impossible task of trying to explain an operation in which we spent in excess of \$100,000.00 last year and now find that we have virtually no support in the field, outside of California, of course. I discussed this matter with Nancy on several occasion, only to get the nonchalant answer that no one ever called but John and I. I can assure you, that from the limited number of people I talked this past 2 weeks, there have been many people called and with a few exceptions, the above mentioned results.

For a brief run-down of the other matters I have discussed with Nancy, all of which pertain to the finances:

1. As far back as last summer I discussed, on several occasions, with Nancy the fact that we could not wildly spend money just because we had it in the Treasury - that it should be budgeted in such way that we got the most benefit from the amount spent and kept a reserve in the bank for monthly operating expense (determined to be approx 5,000. monthly). The discussion at that particular time involved her travel to the Regional Meetings. It was my opinion then, as now, that John could have handled these meetings, with a minimum amount of local help. If you remember, we have over a period of the past 18 years or so managed these affairs without any paid help. We could have used the several hundred dollars per trip that covered her expense. I was told by her that you had instructed her to go to these meetings and take care of them.

2. Extra labor for mailings - this one particular item showing up on the FEC reports has brought more comment than you can imagine. Again, had Nancy and Donna arranged their work schedules during the slack times to take care of certain preliminary mailing chores, then it would have been unnecessary to hire nearly as much extra help. This considering, of course, the fact that much of the mailing requirements were paid to the various companies, including collating, folding, etc. I realize that on certain occasions there was a heavy work load - but could not this have been anticipated and certain chores performed ahead of time when they obviously must have had considerable time on their hands - or if you use the telephone as a criteria, they weren't even in the office at all. Certainly there was not enough Party activity going on a daily or weekly basis to consume 80 man hours a week. The real shocker was, though the fact that Donna was paid overtime, even in addition to the fact that she was always paid a full 40 hour week. Again, this was done on what I was told was your recommendation.

3. Lease of Copier - the invoices from the Lessor show that we did not even reach the maximum 2,000 copies allowed under this lease. We did, in fact, pay \$180.00 a month and on different occasions had some 1,090, 1,508, etc copies - reduced down this amounts to 17¢, 12¢ a copy. This would in itself be rather expensive, but I believe we also purchased the paper, supplies, etc in addition to the lease amount for the machine service.

4. Last Fall when it became evident that the fund raising was not going to be the success we had hoped, I suggested to Nancy that Donna work only part-time. This, of course, went over like a case of the plague and I was reminded that you had contributed thousands of dollars worth of time to this cause, etc.... none of which addressed the issue at hand - that being we were fast running out of money with no prospect for replacing it. I supposed the real most astonishing episode occurred some few weeks ago when Nancy informed me that she had made reservations for Donna to go to Dallas, at Party expense. My objection to this only brought on another reminder of what California was doing for the Party and what you had done, and further that she (Nancy) wanted Donna to go and was not going without Donna. MY question of "what do you expect to happen when all the money is gone" was answered by "I'm gonna stay in California".

The above are only a few of the discussions Nancy and I have had pertaining to finances over a period of the last months. It never occurred to me that she was not discussing these with you as I had each time asked her to. I discussed these with John on occasions but I chose to have Nancy mention these to you inasmuch as you were so busy and she could more easily find a convenient time for discussion. Now I find on the Conference Call yesterday that you were totally unaware of these problems. Evidently, instead of discussing these matters with you and the critical condition of the money, she only told you what she wanted you to hear, including, but not limited to the fact that you and anyone else who would listen were told that I was not telling the truth

about the finances, that I was just trying to get the S.D. office out of operation, ad infinitum.

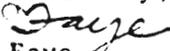
I mentioned some while back that if it became a reality that we were forced to close the office, that I would take care of everything here full-time rather than have a part-time operation in a crucial time - the year before election when we should be as highly visible as possible. I asked Nancy to have you call me regarding this. I felt we could "sell" the idea of moving the operation to a new location - because we wanted to - rather than try to "sell" moving it there, which more than likely will be interpreted for just what it is "we had to close up shop". In addition, I would have thought that would please you to have me take care of everything. Obviously, though, your confidence and trust in me has totally deteriorated, too.

Last, but not least, Bill - I certainly do not appreciate, nor will I tolerate Nancy's delving into the finances to the extent displayed yesterday on the Conference Call. The very idea that she would presume to have the authority to assemble an accounts payable and method of payment without so much as even having the courtesy to tell me about it, not to mention confer with me before hand is totally abominable and unacceptable. This flagrant arrogance on her part is just another example of that displayed across the country, of which I have just spoken above. The fact that I did not choose to raise any questions during the Call shall not be construed to mean I intend to tolerate such arrogance. My silence and tacit agreement simply means that I did not wish to make any waves with the new Board members present for the first time.

○ Further - MOST IMPORTANTLY - I believe we are in violation of the FEC regulations by handling the payment of these debts in this manner. I tried, as subtly as I could to delay any activity on this matter until such time as we could get an official opinion on this; however, that, too was profoundly ignored.

○ I am mailing this letter to you, as well as the one to Nancy, to you at your office. I do not want to send these to the house as I feared that Eileen might be home and would become aware of the problems existing.

△ Enclosed for your reference is a copy of the letter to Nancy, as well as a copy of my letter to John. Likewise, I am sending the same to John. I trust the 4 of us can handle this matter and keep it between us.

Sincerely,  
  
 Faye

P.S. I am sending this to you - Federal Express - not charged to the Party as I feel it imperative that you have this immediately, particularly the part pertaining to the FEC - as well as before we get to Dallas

MAILED March 2, 1987 FEDERAL EXPRESS

To:

William K. Shearer Attorney  
 Wells Fargo Bank Bldg.  
 101 W. Broadway  
 San Diego, Calif 92101

**WILLIAM K. SHEAREN**  
8158 PALM STREET  
LEMON GROVE, CA 92045

June 8, 1987

Mr. John M. Couture, Chairman  
Populist Party of the United States  
13131 West Janesville Road  
Hales Corners, WI 53130

Dear John:

I have not heard from you since our telephone conversation of last Tuesday morning. Therefore, I presume that the situation with Mrs. Miller is at an impasse, and that neither of my suggested resolutions of the problem are satisfactory.

That being the case, I have no assurance that the contributions which I have solicited from others for placement in her hands will be used to retire the obligations to creditors for which the funds were contributed.

Under the circumstances, I have no recourse save to resign the office of Parliamentarian, and my membership on the National Committee and Executive Committee of the Populist Party. You may consider this letter my resignation from each of these positions effective immediately. I will take no further part in the making of any decisions for or on behalf of the Populist Party, nor will I assume any responsibility for such decisions.

As I mentioned to you on the telephone, Mr. Bedsole, the Alabama lawyer, has attempted to reach me by telephone, and I presume that he wishes to discuss the Liberty Lobby suit against the party. I have written Mr. Bedsole and advised him to contact you for direction. A copy of my letter to him is enclosed.

I realize that the party has a number of unresolved financial problems, but I believe I have done more than my fair share in attempting to solve these problems. When I talk to you I will be prepared to propose a reasonable resolution of this and other problems. I am currently preparing a list of the remaining problems known to me, and will be contacting you this week to discuss these matters including the substantial loan which I made to the party on or about March 7, 1987, and which has not been repaid.

Meanwhile, I have returned to the contributors all of the contributions which I solicited for the party, since I cannot be sure that they will be used for their intended purpose.

91040324098

Page 2

I regret the necessity of this letter, because I appreciate you, and have enjoyed working with you, and my other friends on the National Committee and the Executive Committee, in the effort to build the Populist Party. Life is too short, however, to put up with abuse and duplicity from Mrs. Miller.

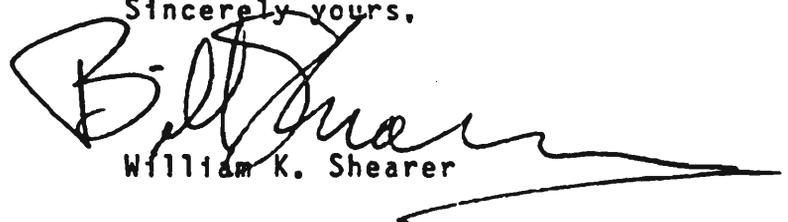
While writing, I should make two additional points.

First, this letter is not intended to affect the membership status of the American Independent Party of California in the National Committee of the Populist Party. Membership in the National Committee is a decision made by the American Independent Party's State Central Committee under the election laws of the State. My resignation is personal to me, alone, and is not intended to reflect or influence any past or future action of the State Central Committee with regard to national committee membership.

Second, this letter is not submitted for purposes of pressure. My decision to resign was not easily reached, but having been made, it is not revocable. I shall be going into the hospital, this week, for further surgery on my foot, and, because there is more infection, I cannot be sure of the length of the hospitalization, or the recuperation period. Eileen is still incapacitated from her injuries, and, from a personal standpoint, I am not in a position to take on any more responsibilities, particularly those involving threats and attempts to annoy, harass, and embarrass me by a person who has a duty equal to my own to seek constructive resolution of the party's problems, but who refuses to honor that duty.

I wish you and the Populist Party success, and genuinely regret that I am no longer able to serve.

Sincerely yours,



William K. Shearer

CC: All members of the national Executive Committee, Populist Party of the United States

Nicholas W. Kudrovzeff, State Chairman,  
American Independent Party

21040324099

1921 Summer Place Drive West  
 Mobile, Al 36618

May 20, 1987

Dear Bill:

I am shocked that you would assume the position and attitude regarding the finances that you expressed in your telephone conversation. So, in another of my many endeavors to "keep the train on the track" I will reiterate the thoughts surrounding my, as you call it, "conduct". True, I have in the past followed your instructions. However, in this instance I feel my interpretation of the FEC regulations, audit procedures and intent of the motion of the Executive COmmittee is more correct than yours. I do not feel it prudent to follow your instructions for reasons outlined below:

1. You must remember that during the Executive Committee meeting in Dallas a motion was made and passed - and made by you, I believe - whereby only certain bills were to be paid. These "certain" bills were itemized by you and you spoke at length on the importance of adhering strictly to this list. I did not make notes on this, relying on the Minutes for guidance. I do not yet have a copy of these Minutes, even though some 6 weeks has elapsed since the March 7 meeting in Dallas. In addition to not having the Minutes to ascertain which of the \$1,244.98 bills mailed to me were on the list approved for payment, as I mentioned to you on the phone, certain of these are not properly documented for payment. By properly documented I mean there is no invoice, only statements. Perhaps in California an invoice is not required; however, down here in the South an accountant would certainly take exceptions to this. Likewise, I suspect the FEC auditors would comment unfavorably on this type of record keeping. INasmuch as the responsibility in both these instances rests on the person signing the check, suffice it to say that I do not wish to be placed in this untenable position. You must know that I have made every endeavor possible to elicit cooperation from the San Diego office in securing the records necessary to complete the financial files - records, I might add, that I was promised by Nancy each and every time I asked for them. The fact that I sent the checks before I secured the records is a weakness of mine in the past - not something that I have any intention of repeating from henceforth on. Why can't these records be brought up to date? These requests were made many months ago - and during a period of time when 80 man hours a week were being paid for, and during which time there is no doubt but that there was ample idle time in which either Nancy or Donna or both could have properly discharged this requirement. The excuse that Nancy is busy taking care of her mother just simply does not wash - we're not talking about a job that would require more than a total of less than 8 hours even if it had to have been done since Donna left the latter part of March. I have made every reasonable offer a person could be expected to make - including that I would make the copies at my expense if Nancy wold send me the loose leaf notebook in which she keeps a copy of everything - the same notebook she had in Los Angeles. I would be happy to make the copies and return the notebook and contents to her. Is there really some good reason why you all have chosen to be so obstinate?

2. Another matter that should be discussed and decided - again a need for the Minutes arises. Acknowledgement of debts and priority of payments is an absolute essential need - and I do not mean that priority is to be established by the San

91040324100

Bill Shearer - continued  
Page -2-

Diego office - a practice that seems to be in vogue insofar as the Populist Party is concerned. This, even to the point of sidestepping the Executive Committee members in the process of making the decision as to what expenses were due and payable and in what order payment should be effected. It has not been my experience in some 40 years in the business world, 35 of which has been spent closely connected with the accounting profession, that the officers of the Board, most particularly the Treasurer, is by-passed in the decision making process, in favor of an employee making the decision as what expenses have accrued, and in what order payment will be effected. (See my letter of March 2 to Nancy).

Which brings us to another matter deserving of comment. I mailed my personal check in the amount of \$1,000. - as I agreed in Dallas I would do - to Nancy somewhere around April 11. If you remember, she specified that I send this check to her and that she would return it to me for deposit. She did return it to me -some weeks later - at the same time she enclosed an additional \$456.18, a total of \$1,456.18 for deposit. And enclosed along with this deposit was bills totaling \$1,244.98 - all for expenses incurred in San Diego, for the San Diego office. If my math serves me correctly, after making this deposit, paying these bills, there would have been \$211.20 remaining. That is, assuming I was stupid enough to deposit my personal check into an account solely for the purpose of paying bills claimed to be "payable" for the operation of the S.D. office, bearing in mind that (1) these bills were not properly documented, (2) I had no Minutes to support any payment (3) last, but not least no mention or acknowledgement of the fact that there is outstanding payroll taxes (a priority item above everything except a first mortgage) possible -no, probably - additional attorney fees for the \$289,000 lawsuit here in Federal Court, and other items of obligations. Of course, it does not require a genius to understand that the only concern is the payment of bills for the S.D. office. Likewise, it would require less than the intelligence of an imbecile to have permitted personal money to be used thusly, even if all other factors were correct. Accordingly, I did not deposit my check; therefore, there was only \$456.18 deposited.

Insofar as your refusal to send the money contributed by others for the Populist Party because you don't appreciate my attitude, I believe the above clearly defines my position on the operational procedures of the Treasurer's office and further clearly explains the reason for the recent submittal of bills referred to by you in the telephone conversation not being paid. If, to secure from you the contributions made by others for the use of the Populist Party, entails my having to abide by your personal rules rather than those of the governing body, the FEC and professional propriety, then as I told you, you will have to assume the responsibility for your own actions.

Also, Bill, you speak eloquently of "fiscal responsibility" as if you have a monopoly on it. Further, that you are embarrassed by the bills of the Party not being paid promptly...let me remind you that, to my knowledge, none of this has ever cost you one penny. This does not negate the fact that you have spent time on party business, but I speak of your having lost money on Party affairs. That I could say the same...just this year it has cost me an additional \$1640.00 just to take care of my personal business - to clear titles

on property which were clouded by the \$289,000 lawsuit with my name on it.. Perhaps you've forgotten that when this suit is heard, we will be faced with the fact that at the Executive Committee Meeting in Washing in November 1984 you yourself proposed a Resolution, which passed, accepting \$264,888.80 due Liberty Lobby and Cordite Fidelity Corporation...(I am reading from a set of the Minutes of this meeting, Page 8).

As I have told you when things have become "sticky" lately between you and I --- I hope we can keep this between the two of us and iron these matters out without any widespread knowledge of any differences.

Faye

21040824102

RECEIVED  
FEDERAL ELECTION COMMISSION  
SECRETARY'S OFFICE

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

88 OCT -5 PM 3:21

FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

RAD Referral #: 88L-17  
Staff Member: R. Raich

SOURCE: INTERNALLY GENERATED

RESPONDENTS: Populist Party of the United States and  
Faye Miller, as treasurer  
William Shearer  
Nancy Shearer

RELEVANT STATUTES: 2 U.S.C. § 434(b)  
2 U.S.C. § 432(b) (2)  
2 U.S.C. § 432(b) (3)  
2 U.S.C. § 432(h) (1)  
2 U.S.C. § 432(a)  
11 C.F.R. § 103.3(a)

INTERNAL REPORTS CHECKED: Committee Index of Disclosure  
Documents  
PPUS's disclosure reports  
MUR 2083  
MUR 2176  
MUR 2187  
MUR 2211  
MUR 2330  
MUR 2463  
MUR 2595  
MUR 2642  
MUR 2064

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

This matter is the result of a referral from the Commission's Reports Analysis Division (Attachment I) caused by failures of Populist Party of the United States ("PPUS") to disclose information concerning its financial activity on its 1987 Mid-Year and 1987 Year-End Reports. This Office notes that PPUS similarly failed to disclose complete information on its 1988 April Quarterly and 1988 July Quarterly Reports. (A

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statement accompanying the 1988 July Quarterly Report is attached as Attachment II.)

II. FACTUAL AND LEGAL ANALYSIS

PPUS's treasurer is Faye Miller of Mobile, Alabama. Before shutting down last year, PPUS's administrative offices were in San Diego, California, home of William Shearer, PPUS's former Parliamentarian, and his daughter, Nancy Shearer, PPUS's former office manager.

According to the information accompanying the referral and other sources, a rift developed in 1987 between Mrs. Miller and PPUS's San Diego personnel. As a result, the San Diego personnel: 1) refused to send Mrs. Miller information she needed to complete FEC disclosure reports, 2) failed to forward to Mrs. Miller contribution checks received at the San Diego office, 3) deposited PPUS's contribution checks into accounts other than PPUS's designated depository, and 4) made disbursements on behalf of PPUS from sources other than PPUS's designated depository. These disbursements were from sources such as funds controlled by Nancy Shearer; the personal funds of William and Nancy Shearer; and funds of Operation Outreach, a project of the California American Independent Party, which is allegedly controlled by William Shearer.

A. PPUS AND Faye Miller

The Act requires political committees, through their treasurers, to disclose a variety of itemized and summary

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information concerning receipts, disbursements, loans, and debts.  
2 U.S.C. § 434(b).

Faye Miller, as treasurer, has filed PPUS's 1987 Mid-Year, 1987 Year-End, 1988 April Quarterly, and 1988 July Quarterly Reports disclosing what information she had at her disposal. She has also stated to the Commission that she made numerous telephone calls and wrote numerous letters in futile attempts to secure the information required in the disclosure reports. A dispute within the organization, however, does not eliminate the obligation of a political committee to file complete and accurate reports with the Commission. That issue may be a mitigating factor, but it does not absolve the treasurer of responsibility under the Act. Accordingly, this Office recommends that the Commission find reason to believe PPUS and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).

B. William Shearer and Nancy Shearer

1. The Law

Every person who receives a contribution for a political committee which is not authorized by a candidate shall: a) if the contribution is for \$50 or less, forward it to the treasurer within 30 days after receiving the contribution; and b) if the contribution is for more than \$50, forward it to the treasurer, with the name and address of the contributor and the date of receipt, within ten days after receiving the contribution.  
2 U.S.C. § 432(b) (2).

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All funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual. 2 U.S.C. § 432(b)(3).

Each political committee shall designate one or more accounts at certain financial institutions as its campaign depository or depositories. All receipts received by the committee must be deposited in such accounts. No disbursements (except petty cash disbursements) may be made by the committee except by check drawn on such accounts. 2 U.S.C. § 432(h)(1).

No expenditure shall be made for or on behalf of a political committee without the authorization of the treasurer or his or her designated agent. 2 U.S.C. § 432(a).

All receipts by a political committee shall be deposited in its depository, except that any contribution may be returned to the contributor without being deposited within ten days of the treasurer's receipt. The treasurer shall be responsible for making all deposits. A committee shall make all disbursements by check or similar draft drawn from its depository. 11 C.F.R. § 103.3(a).

2. Application of the Law

The available evidence indicates that William and Nancy Shearer received contributions to PPUS, but never forwarded those contributions, or information concerning those contributions, to Faye Miller. Further, it appears that the contributions William and Nancy Shearer did forward to Faye Miller were forwarded in an

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untimely manner. Mrs. Miller states that many checks she received were already "stale".

PPUS's only designated depository is in Alabama. The evidence indicates that William and Nancy Shearer deposited PPUS's receipts into accounts other than its designated depository. Further, it appears that William and Nancy Shearer made disbursements on behalf of PPUS from various sources other than checks drawn on PPUS's designated depository, including the personal funds of William and Nancy Shearer. Faye Miller did not authorize those disbursements.

Finally, in a letter to PPUS's Chairman, William Shearer stated that he personally had returned contributions to contributors, clearly without forwarding the contributions to the Treasurer for return or deposit in a designated depository.

In accordance with the foregoing, this Office recommends that the Commission find reason to believe William Shearer and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a).

### III. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).
3. Find reason to believe William Shearer and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a).
4. Approve the attached Factual and Legal Analyses.

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5. Approve the attached Interrogatories.
6. Approve and send the attached letters.

Lawrence M. Noble  
General Counsel

10-4-88  
Date

By:   
Lois G. Lerner  
Associate General Counsel

**Attachments**

- I. RAD Referral
- II. Statement accompanying 1988 July Quarterly Report
- III. Factual and Legal Analyses
- IV. Interrogatories
- V. Letters

21040824108

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Populist Party of the United )  
States and Faye Miller, )  
as treasurer )  
 )  
William Shearer )  
 )  
 )  
Nancy Shearer )

RAD Ref. 88L-17

(MUR)  
2719

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on October 11, 1988, the Commission decided by a vote of 6-0 to take the following actions in RAD Ref. 88L-17:

1. Open a MUR.
2. Find reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).
3. Find reason to believe William Shearer and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a).
4. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report signed October 4, 1988.
5. Approve the Interrogatories as recommended in the First General Counsel's Report signed October 4, 1988.
6. Approve and send the letters as recommended in the First General Counsel's Report signed October 4, 1988.

(continued)

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

Attest:

Oct. 11, 1988

Date

Marjorie W. Emmons

Marjorie W. Emmons  
Secretary of the Commission

21040324110

Received in the Office of Commission Secretary:	Wed.,	10/5/88	3:21
Circulated on 48 hour tally basis:	Thurs.,	10/6/88	11:00
Deadline for vote:	Tues.,	10/11/88	11:00



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1988

Ms. Nancy Shearer  
c/o William Shearer  
Duke, Gerstel, Shearer & Bergante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
Nancy Shearer

Dear Ms. Shearer:

On October 11, 1988, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with your answers to the enclosed Interrogatories, within 15 days after your receipt of this letter. Statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against you, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Nancy Shearer  
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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 authorizing such counsel to receive any notifications and other communications from the Commission.

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 investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

  
Thomas J. Josefiak  
Chairman

Enclosures  
Factual and Legal Analysis  
Interrogatories  
Procedures  
Designation of Counsel Form

21040324112



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1988

Mr. William Shearer  
Duke, Gerstel, Shearer & Bergante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer

Dear Mr. Shearer:

On October 11, 1988, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office, along with your answers to the enclosed Interrogatories, within 15 days after your receipt of this letter. Statements should be submitted under oath.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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William Shearer  
Page 2

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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Sincerely,

  
Thomas J. Josefiak  
Chairman

Enclosures  
Factual and Legal Analysis  
Interrogatories  
Procedures  
Designation of Counsel Form

21040824114



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 17, 1988

Faye G. Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the  
United States and Faye  
Miller, as treasurer

Dear Ms. Miller:

On October 11, 1988, the Federal Election Commission found that there is reason to believe Populist Party of the United States ("PPUS") and you, as treasurer, violated 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against PPUS and you, as treasurer. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days after your receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against PPUS and you, as treasurer, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

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Faye G. Miller, Treasurer  
Page 2

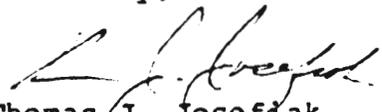
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This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

  
Thomas J. Josefiak  
Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form

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OGC-1005

RECEIVED  
FEDERAL ELECTION COMMISSION

**DUKE, GERSTEL, SHEARER & BREGANTE**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

101 WEST BROADWAY

SIXTH FLOOR

SAN DIEGO, CALIFORNIA 92101

TELEPHONE - (619) 232-0816

88 NOV 10 AM 11:49

OF COUNSEL  
ANDREW A. KURZ  
ROSALIE SHANKS

MAILING ADDRESS  
POST OFFICE BOX 85470  
SAN DIEGO, CALIFORNIA 92138-5470

TELECOPIER - (619) 232-4861

- CLIFFORD L. DUKE, JR.\*
- BRYAN R. GERSTEL\*
- WILLIAM K. SHEARER\*
- RICHARD D. BREGANTE
- STEPHEN V. RUPP\*
- JOHN S. HUISKAMP\*
- J. MICHAEL REED
- DAVID R. VARGAS\*
- ANDREW F. LLOYD
- DAVID T. PURSIANO
- DANIEL J. PERWICH
- JOYCE J. BURROWS
- ALAN R. JOHNSTON
- ANN M. MCMENOMY
- ANNE M. BRAUDIS
- MICHAEL S. WOODLOCK
- BRYAN R. SNYDER
- KATYA L. NEWMARK
- DAWN R. BRENNAN
- CAROLYN J. BOOKSTAFF
- RAYMOND A. PATENAUDE
- ROBERT K. GOFF

November 3, 1988

\*A PROFESSIONAL CORPORATION

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

RE: MUR 2719

Dear Mr. Raich:

Enclosed please find my responses and those of Nancy to the interrogatories your office served on us with regard to the above entitled matter. The responses reflect all information requested for 1987 and 1988, the periods covered by the PPUS reports which your Factual and Legal Analysis indicate are at issue.

This letter will constitute my request for a copy of:

1. The 1987 Midyear, 1987 Year-End, 1988 April Quarterly, and 1988 July Quarterly reports of PPUS; and
2. Any information which your office has received with regard to the accusations against Nancy and/or me.

When I have seen this material I will probably want to provide additional information to you in supplement to the answers to the interrogatories.

After you have reviewed the responses to the interrogatories, I will be glad to discuss this matter with you.

With best personal wishes. I remain

Sincerely yours,

*William K. Shearer*  
William K. Shearer

enclosures  
WKS/nls  
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FEDERAL ELECTION COMMISSION

21340324117

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)

MUR 2179

ANSWERS TO INTERROGATORIES

To: Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

From: William K. Shearer  
101 West Broadway, 6th Floor  
San Diego, CA 92101

21040324118

1. Residence - 8158 & 8160 Palm Street  
Lemon Grove, CA 92045  
(619) 460-4484  
(619) 698-2423

Business - 101 West Broadway, 6th Floor  
San Diego, CA 92101  
(619) 232-0816

2. Name, Address, Occupation	Amount	Check Date
Mr. & Mrs. Fred Barber 6432 Shields Drive Huntington Beach, CA 92647 -Engineer, TRW	\$ 1,000.00	5-1-87
Robert W. Bullock 3105 Woodside Road Woodside, CA 94062 -Retired	\$ 335.00	5-8-87
Mr. & Mrs. James C. Griffin 5069 Bain Street Mira Loma, CA 91752 -Independent Truckers Assoc.	\$ 100.00 50.00 100.00	5-11-87 5-29-87 6-10-87
Myron L. Guarnett 12327 Kerrwood Street El Monte, CA 91732 -Retired	\$ 300.00 250.00	5-7-87 6-9-87
Earl Harper 225 W. Linfield Street Glendora, CA 91740 -Retired	\$ 100.00	5-4-87
Mrs. Irene Maggio 1021 N. Sweetzer, Apt. 10 Los Angeles, CA 90069 -Retired	\$ 250.00	5-11-87
Paul Meeuwenberg 1324 S. Westlake Ave. Los Angeles, CA 90006 -Retired	\$ 166.67 166.67	4-30-87 5-21-87
Houston A. Myers 281 W. Carter Street Sierra Madre, CA 91024 -Retired	\$ 500.00	5-8-87
William E. Perry 1744 West 162nd Street Gardena, CA 90247 -Teacher, West Gardena College	\$ 1,000.00	4-30-87

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Grove Office Supply \$ 46.77 2-25-87  
7890 Broadway  
Lemon Grove, CA 92045

Purpose - Office Supplies

Mail Boxes, Etc. \$ 322.88 2-25-87  
6065 Mission Gorge Road  
San Diego, CA 92120

Purpose - Postage, Xerox, Office Supplies

Postmaster Lemon Grove \$ 110.00 2-6-87  
U.S. Postal Service  
Lemon Grove, CA 92045

Purpose - Postage

Postmaster Lemon Grove \$ 24.57 1-29-87  
U.S. Postal Service  
Lemon Grove, CA 92045

Purpose - Postage

Monica Rios \$ 36.00 2-4-87  
2540 Hardy Drive 76.00 2-10-87  
Lemon Grove, CA 92045 20.00 2-10-87

Purpose - Processing Mailing

Nancy Shearer \$ 1,000.00 2-23-87  
8160 Palm Street  
Lemon Grove, CA 92045

Purpose - Salary for 2-1-87 to 2-15-87

Donna Layton \$ 530.88 2-23-87  
1904 Broadway 265.44 3-4-87  
El Cajon, CA 92021

Purpose - Salary from 2-9-87 to 2-20-87  
Salary from 2-23-87 to 2-27-87

All of the above payments were authorized by Faye Miller, and the Executive Committee of the Populist Party. All of the above payments were from my personal account.

As Chairman of Operation Outreach of the American Independent Party, I authorized the payment of the following bills on behalf of the Populist Party.

Name and Address	Amount	Date
Mail Boxes, Etc. 6065 Mission Gorge Road San Diego, CA 92120	\$ 495.76	7-12-87
Purpose - Postage, Xerox, Box Rental		
Letter Kraft Printing 3135 Lemon Grove Ave. Lemon Grove, CA 92045	\$ 219.34	7-12-87
Purpose - Printing		
Alphagraphics 4242 Camino Del Rio North San Diego, CA 92108	\$ 286.42	7-12-87
Purpose - Printing		
Nancy Shearer 8160 Palm Street Lemon Grove, CA 92045	\$ 102.65	7-12-87
Purpose - Travel expenses on behalf of the Populist Party		
William K. Shearer 8158 Palm Street Lemon Grove, CA 92045	\$ 546.79	7-12-87
Purpose - Reimbursement for phone bill paid.		
John M. Couture 13131 West Janesville Road Hales Corners, WI 53130	\$ 500.00	7-12-87
Purpose - Medallions		
Federal Express Box 727, Dept. B Memphis, TN 38194	\$ 174.00	1-16-88

Payment of these bills was authorized by Faye Miller, but she did not approve the method of payment.

7. All of the above payments were fully discussed by the Executive Committee, including Faye Miller, on March 6, 1987 and March 8, 1987 in Dallas, Texas. All payments were authorized by the Board including Faye Miller. I did not personally transmit statements to her with regard to these accounts, but bills and statements were presented to her in my presence at the Dallas meetings in conjunction with the discussion of how the bills were to be paid.

21040324122

Name and Address	Amount	Date
Mail Boxes, Etc. 6065 Mission Gorge Road San Diego, CA 92120	\$ 495.76	7-12-87
Purpose - Postage, Xerox, Box Rental		
Letter Kraft Printing 3135 Lemon Grove Ave. Lemon Grove, CA 92045	\$ 219.34	7-12-87
Purpose - Printing		
Alphagraphics 4242 Camino Del Rio North San Diego, CA 92108	\$ 286.42	7-12-87
Purpose - Printing		
Nancy Shearer 8160 Palm Street Lemon Grove, CA 92045	\$ 102.65	7-12-87
Purpose - Travel expenses on behalf of the Populist Party		
William K. Shearer 8158 Palm Street Lemon Grove, CA 92045	\$ 546.79	7-12-87
Purpose - Reimbursement for phone bill paid.		
John M. Couture 13131 West Janesville Road Hales Corners, WI 53130	\$ 500.00	7-12-87
Purpose - Medallions		
Federal Express Box 727, Dept. B Memphis, TN 38194	\$ 174.00	1-16-88

Payment of these bills was authorized by Faye Miller, but she did not approve the method of payment.

7. All of the above payments were fully discussed by the Executive Committee, including Faye Miller, on March 6, 1987 and March 8, 1987 in Dallas, Texas. All payments were authorized by the Board including Faye Miller. I did not personally transmit statements to her with regard to these accounts, but bills and statements were presented to her in my presence at the Dallas meetings in conjunction with the discussion of how the bills were to be paid.

8. All payments made by me were from Bank of America account number 194800530, except for the 1-29-87 payment to Postmaster Lemon Grove, and the 2-10-87 payment to Monica Rios which I made in cash. I personally signed all checks. The account is owned by me and my wife, Eileen M. Shearer. We are the only persons authorized to withdraw funds from the account.

All payments made by Operation Outreach were from Bank of America account number 247205152. As Chairman, I authorize all disbursements from the account. All checks must be signed by the Treasurer, Irene E. Maggio, who acts on my authorization. I do not know whether she is the only authorized signator on the account, but I do know that in many years of my chairmanship all disbursements have been made by the treasurer upon written authorization to her from the chairman.

9. With regard to questions 6 and 7 only:

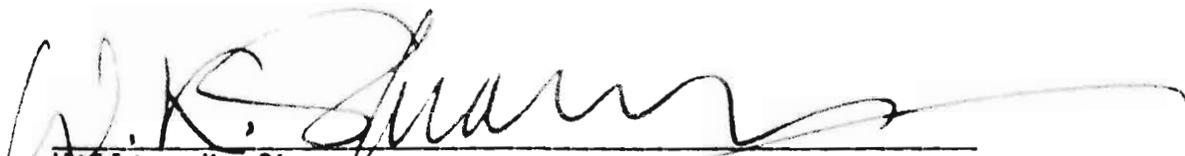
Nancy Shearer  
8160 Palm Street  
Lemon Grove, CA 92045  
(619) 460-4484

101 West Broadway, 6th Floor  
San Diego, CA 92101  
(619) 232-0816

8158 Palm Street  
Lemon Grove, CA 92045  
(619) 698-2423

Executed this 3rd day of November, 1988 at Lemon Grove, California.

I declare, under penalty of perjury, that the foregoing is true and correct; that declarant knows the foregoing facts to his own knowledge, except as to those matters which are set forth on information and belief, and as to those matters declarant believes them to be true; and that if called as a witness to testify to the facts contained herein, declarant is competent to do so.

  
\_\_\_\_\_  
William K. Shearer

21040324124

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

}

MUR 2179

ANSWERS TO INTERROGATORIES

To: Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

From: Nancy Shearer  
101 West Broadway, 6th Floor  
San Diego, CA 92101

21040324125

1. Residence - 8160 Palm Street  
Lemon Grove, CA 92045  
(619) 460-4484

Business - 101 West Broadway, 6th Floor  
San Diego, CA 92101  
(619) 232-0816

8158 Palm Street  
Lemon Grove, CA 92045  
(619) 698-2423

2. All of the contributions below were received between 12/30/86 and 1/4/87. All of the contributions below were forwarded to Faye Miller on 1/5/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

CONTRIBUTIONS

<u>Name</u>	<u>Amount</u>
C.L. Cotner	\$ 15.00
Stephane Clobert	15.00
Robert Cypher	15.00
Ann De Long	15.00
R.E. Graeser	15.00
Charles Bowman	15.00
William March	15.00
John Ursa	15.00
Guenther Gerhard	15.00
Alan Johns	15.00
Vincent Landof	15.00
Lauralea Ray	15.00
Walter Young	15.00
Charles Ulmschneider	15.00
Erika Anderson	15.00
Otto Knaak	30.00
Harold Lautaret	25.00
Stephen Lolvas	25.00
John Rhia	25.00
William Hackstock	45.00 (cash)
R.F. Miles	30.00
John Fazzio	25.00
Harry Campbell	25.00
John Hansen	20.00
John Hastings	40.00
W.W. Doughty	25.00
Grant Larsen	60.00
Wayne Brobst	100.00
David Horne	100.00
Paul Hoepfner	100.00
Neil Allman	120.00

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All of the contributions below were received between 1/5/87 and 1/6/87. All of the contributions below were forwarded to Faye Miller on 1/7/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

**CONTRIBUTIONS**

<u>Name</u>	<u>Amount</u>
Robert Blatt	\$ 15.00
Arnold Krueger	15.00
Lorene Hess	15.00
Robert Kerr	15.00
Marie McAllen	15.00
Roscoe Young	15.00
Morris Fenton	15.00
Ruth Lowell	15.00
David Mueller	15.00
James Roediger	15.00
Percy Frank	15.00
Craig Wood	15.00
William Bartlett	15.00
Jerry Anderson	10.00
Richard Motyl	5.00
Gary Damm	5.00
Thomas Senior	20.00
Claudia Mucci	20.00
Signa Wells	25.00
Lothar Hinkel	35.00
Joseph Markey	25.00
Edward Rhodes	25.00
Miriam Nau	25.00
E.V. Clendenin	50.00
Aram Hamalian	25.00
Michael Marinaro	30.00
John Da Costa	25.00
James Green	60.00
William Ramsay	60.00
Charles McAndrew	60.00
David Berryman	24.00
Elmer Kallas	10.50

All of the contributions below were received between 1/7/87 and 2/8/87. All of the contributions below were forwarded to Faye Miller on 2/9/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

**CONTRIBUTIONS**

<u>Name</u>	<u>Amount</u>
Andrew McAllister	\$ 15.00
William Beougher	15.00
Roger Neveaux	15.00

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Rolland Delawder	15.00	
Peter Farrell	15.00	
William Zoetewey	15.00	
Mrs. Ralph Yappel	15.00	
Helen Zagoloff	15.00	
L.K. Fernald	15.00	
Furman South	15.00	
James Coleman	15.00	
Evelyn Krueck	30.00	
Will Lancaster	40.00	
Mrs. Pauline Fox	30.00	
John Andrew	25.00	
David Baker	25.00	
Mrs. M.L. Bain	15.00	
Donna Layton	15.00	
Bill Smith	25.00	
Eileen Shearer	15.00	
William Shearer	92.35	
David Berryman	1.00	
Edwin Voss	5.00	
Harrold Nelson	100.00	
D.R. Corron	100.00	
Merton Short	60.00	
Dave Wallin	25.00	(cash)
Paul Kolessar	15.00	
Paul Robbiano	25.00	
Madge Watt	25.00	
George Nelson	15.00	
Burr Lee	15.00	
Robert Jones	20.00	
Bonnie Bruce	30.00	
C. Fedoroff	15.00	
Roy Simmons	15.00	
Carl Steinmeyer	15.00	
Gertrude Seth	15.00	
Robert Eubanks	5.00	
James Wisehand	20.00	

Meeting Registrations

Lon Laymon	\$ 50.00
Winifred Laymon	50.00

State Assessments

Texas	\$100.00	(cash)
California	480.00	
Indiana	80.00	

All of the contributions below were received between 2/10/87 and 2/17/87. All of the contributions below were forwarded to Faye Miller on 2/18/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

**CONTRIBUTIONS**

<u>Name</u>	<u>Amount</u>
Theodore Nicholoff	\$ 15.00
Bernice Geisel	15.00
Walter Evans	15.00
A.G. Robinson	25.00
William Saenger	40.00
Harold Kicker	25.00
Daniel Korty	25.00
Joseph Tarian	60.00
Pat Manning	15.00
Darwin Barnes	25.00

Meeting Registrations

William Shearer	\$ 50.00
Eileen Shearer	50.00
Fred Barber	50.00
Yvonne Barber	50.00
Particia Manning	50.00
Margie Hart	50.00

State Assessments

Rhode Island	\$ 80.00
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Literature

State of Washington	\$ 50.00
Victor Jatczak	4.00(cash)
James Arrington	2.00(cash)

All of the contributions below were received between 2/19/87 and 3/3/87. All of the contributions below were hand delivered to Faye Miller on 3/6/87 in Dallas, Texas. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

**CONTRIBUTIONS**

<u>Name</u>	<u>Amount</u>
Leonard Faucher	\$ 35.00
E. Jankowski	15.00
Henry Todd	15.00
Irene Maggio	50.00
John Fontaine	25.00
Nada Hanson	20.00
Francis Sands	30.00
Roy Durhack	60.00

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Bryan Hays	25.00	
Shirley Voecks	25.00	
J.E. Backman	25.00	
Gary Damm	5.00	
Clifford Titus	50.00	
Hugo Sattler	50.00	(cash)
George Nelson	5.00	

Meeting Registrations

Charles Deemer	\$ 50.00	
Irene Maggio	50.00	
Houston Myers	50.00	
Ted Nicholoff	50.00	
Hugo Sattler	50.00	(cash)
Oren Kammerer	50.00	
Ewmon Kaiser	50.00	

State Assessments

Wisconsin	\$120.00	
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Literature

Frank Zabienlski	\$ 12.00	
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All of the contributions below were received between 3/6/87 and 3/8/87. All of the below contributions were hand delivered to Faye Miller on 3/8/87 in Dallas Texas. The addresses of the contributors were on the carbon copies of the receipts they were given at the time of the contribution, and were retained by Faye Miller. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

Meeting Registrations

Joe Birkenstock	\$ 50.00	(cash)
Theresa Dietrich	50.00	(cash)
Myron Guarnett	50.00	(cash)
Art Jacques	50.00	(cash)
Alfred Smith	50.00	(cash)
Rolland Victor	50.00	(cash)
Mary Jacques	\$ 25.00	Dinner only (cash)
Frank Zachary	25.00	" " " " (cash)

Contribution

Gene Ballardip	\$ 15.00	(cash)
Myron Guarnett	50.00	(cash)

Dinner Collection \$500.00 (cash)

All of the contributions below were received between 3/6/87 and 3/8/87. All of the contributions below were forwarded to Faye Miller on 3/9/87. The addresses of the contributors were on the checks or money orders. No employer information was provided

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unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

Meeting Registrations

Kyle Daylong	\$ 50.00
Paul Meeuwenberg	50.00
Faye Miller	50.00
Earl Denny	50.00
Merton Short	50.00
Richard Weimer	50.00
Evelyn Kudrovzeff	50.00
Nicholas Kudrovzeff	50.00
Steve Adams	50.00
Lucille Adams	50.00

State Assessments

Alabama	\$ 80.00
Utah	80.00

Membership

Lois Weimer	\$ 15.00
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Pledge

Richard Weimer	\$25.00
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Balance of Loan to Populist Party

William Shearer	\$1,360.40
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All of the contributions below were received on 3/9/87. All of the contributions below were forwarded to Faye Miller on 3/10/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

CONTRIBUTIONS

<u>Name</u>	<u>Amount</u>
Hubert Bernet	\$ 40.00
Roy Durhack	25.00
Faye Miller	1,000.00
A.J. Giraud	3.00
Max Boyle	50.00
Viola Ohlman	15.00
George Hunt	10.00
C.R. Lindsay	30.00
Hugo Sattler	20.00 (cash)
Kathryn Good	60.00
Sirley Malstrom	15.00
June Hartmann	15.00
Allen Davies	15.00
Roy Denney	11.00
Charles Jones	20.00
J.T. Parrish	5.00
James Whisenand	20.00

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M.J. Ennis 25.00  
 Marjorie Riberdy 15.00

Literature  
 Velda Johnson \$ 8.00  
 D.L. Foust 22.50

Rent Refund  
 Mission Valley Terrace \$31.68

All of the contributions below were received between 3/10/87 and 7/22/87. All of the contributions below were forwarded to National Chairman John Couture on 7/23/87. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

**CONTRIBUTIONS**

<u>Name</u>	<u>Amount</u>
J. Leo Nelson	\$ 30.00
Elizabeth Truka	15.00
Valeria Watts	25.00
Odette DeBruyne	15.00
Frank Benedickt	15.00
Richard Osborn	10.00
Charles Baker	25.00
Opal Whisenand	40.00
Lela Eglin	5.00
Edwin Voss	10.00
Harry O'Dell	10.00
Richard Weimer	10.00
Opal Whisenand	30.00

Literature  
 John Galvin \$ 6.00

3. Every contribution I received from 12/30/86 to 3/9/87 was listed in a statement which was enclosed with the contributions when they were forwarded to Mrs. Miller for deposit. The statements showed the name of the contributor and the amount of the contribution. The addresses of the contributors were on the checks or money orders. No employer information was provided unless the contribution was \$200.00 or more, or the contributor's total contributions for the year totalled \$200.00 or more.

Statements and contributions for the period from 12/30/86 to 3/9/87 were forwarded or hand delivered to Mrs. Miller on the following dates:

January 5, 1987	January 7, 1987
February 9, 1987	February 18, 1987
March 6, 1987	March 8, 1987
March 9, 1987	March 10, 1987

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4. I never returned any contributions to the contributors. I always forwarded all contributions to the National Treasurer Faye Miller, until March 11, 1987. It then became clear to me that Mrs. Miller was not going to disburse the Party's funds to the Party's creditors in a timely manor, if at all. I shared my concerns over this with National Chairman John Couture, who was my direct supervisor, and waited for instructions from him as to how to handle the contributions. On June 8, 1987, finding the problem still unresolved, I resigned from my position as National Administrator, and on July 31, 1987, under the directions of the Chairman, I forwarded the last of contributions I had received to him.

5. I have no way of knowing if the contributions I received were deposited in a financial institution. I forwarded them all to the National Treasurer Faye Miller, with the exception of the last batch which was sent to National Chairman John Couture.

I believe the contributions Mrs. Miller received were deposited in the Central Bank Of The South, Mobile, Alabama, account number 00124859, that the account was in the name of the Populist Party of the United States/Office of the Treasurer, and that Mrs. Miller was the only signator on the account. However, I seriously doubt that Mrs. Miller was timely in depositing the contributions she received because I was made aware, on many occasions, by the Party's creditors that the checks they had received for services, drawn on Party account by Mrs. Miller, had bounced. Also, a reimbursement check for travel expenses payable to me, drawn on the above referenced account by Mrs. Miller, bounced. These events were a mystery to me since I knew the contributions I had previously forwarded to Mrs. Miller would have more than covered the obligations. Finally, I do not believe that Mrs. Miller deposited to the Party account a contribution check for \$1,000.00, drawn on her personal account, made out to the Populist Party. This contribution came at a time when the Party was greatly in need of operating funds. I processed the check as usual, forwarding it to Mrs. Miller for deposit with the other contributions which had been received, but when it came time to pay the bills Mrs. Miller claimed the Party didn't have adequate funds, which would not have been the case if her personal contribution had been deposited.

6. I had no authority to disburse funds, nor did I ever do so. At no time did I control any account from which funds were disbursed by or on behalf of the Populist Party.

7. Not Applicable

8. Not Applicable

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9. As to questions 2 through 8:

William K. Shearer (619) 460-4484  
8158 & 8160 Palm Street (619) 698-2423  
Lemon Grove, CA 92045

101 West Broadway (619) 232-0816  
6th Floor  
San Diego, CA 92101

Executed this 3rd day of November, 1988 at Lemon Grove, California.

I declare, under penalty of perjury, that the foregoing is true and correct; that declarant knows the foregoing facts to his own knowledge, except as to those matters which are set forth on information and belief, and as to those matters declarant believes them to be true; and that if called as a witness to testify to the facts contained herein, declarant is competent to do so.

  
\_\_\_\_\_  
Nancy Shearer

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2179  
NAME OF COUNSEL: WILLIAM K. SHEARER  
ADDRESS: 101 W. BROADWAY  
6<sup>th</sup> FLOOR  
SAN DIEGO, CA 92101  
TELEPHONE: 619-232-0816

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.

11-3-88  
Date

Nancy Shearer  
Signature

RESPONDENT'S NAME: NANCY SHEARER  
ADDRESS: 8160 PALM ST.  
LEMON GROVE, CA  
92045  
HOME PHONE: 619-460-4484  
BUSINESS PHONE: 619-232-0816

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

November 30, 1988

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

Re: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

Pursuant to your request, enclosed are copies of PPUS's 1987 Mid-Year, 1987 Year-End, 1988 April Quarterly, and 1988 July Quarterly Reports. Note that statements made by PPUS's treasurer in those reports are a basis for this MUR.

If the General Counsel's Office may be of further assistance to you, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel



By: Lois G. Berner  
Associate General Counsel

Enclosures  
PPUS's Reports

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Ogc 1319  
MWR 2719

**U.S. Bankruptcy Court for the Southern District of Alabama  
Southern Division, P.O. Box 2865, Mobile, Alabama 36652**

In Re a Petition for Relief under Chapter 7 of Title 11, U.S. Code, filed by or against the below-named Debtor(s) on December 2, 1988:

**DEBTOR : FAYE G. MILLER of 1921 Summer Place Dr. W., Mobile, AL  
36618, SSAN:408-36-5028**

**CASE NO. 88-02133**

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**Creditors: Do NOT file claims  
at this time. Debtor schedules  
indicate no assets exist from  
which to receive a dividend.**

**NOTICE FOR MEETING OF CREDITORS**

**ATTY FOR DEBTOR: Gary P. Alidor, Sr., Post Office Box 16564, Mobile, AL  
36616 Phone:205/342-4762**

**INTERIM TRUSTEE: Theodore L. Hall, 210 One Office Park, Mobile, AL 36609  
PHONE:205/343-8363**

**ITEM NO. 1 - §341(a) MEETING DATE: January 9, 1989 at 09:30 A.M. in U.  
S. Bankruptcy Court, Meeting Room, 201 St. Louis Street,  
Mobile, Al.**

**ITEM NO. 2 - FILING DEADLINE FOR §523(c)/§727 COMPLAINTS: March 10, 1989**

A meeting of creditors pursuant to 11 U.S.C. §341(a) shall be held at the time and place specified in ITEM NO 1 above at which time creditors may examine the debtor and present documented requests to abandon property.

The Debtor [and joint debtor, if any] and attorney for debtor(s) shall be in attendance at the §341(a) meeting. A partnership shall appear by a general partner, a corporation by its president or other executive officer.

Failure of the debtor or his attorney to appear at the §341(a) meeting or to timely file schedules and statement of affairs may result in dismissal.

Unless extended, objection to debtor(s) claim of exempt property must be filed within 30 days after the §341(a) meeting.

Since the debtor is an individual, the date specified in ITEM NO. 2 above is the last day for filing objections to the discharge of the debtor under 11 U.S.C. §727 and/or filing a complaint to determine dischargeability under 11 U.S.C. §523(c). If no objection to the discharge is filed, the debtor will be granted a discharge. If no complaint is filed, the debt may be discharged.

Upon filing of the petition, certain acts and proceedings against the debtor and the estate are stayed as provided in 11 U.S.C. §362(a).

Dated: December 6, 1988

Gordon Kahn, Chief U.S. Bankruptcy Judge

BEFORE THE FEDERAL ELECTION COMMISSION

DEC 28 PM 4: 32

In the Matter of )  
 )  
Populist Party of the United States )  
and Faye Miller, as treasurer )  
William Shearer )  
Nancy Shearer )

MUR 2719

**SENSITIVE**

**GENERAL COUNSEL'S REPORT**

On October 11, 1988, the Commission found reason to believe the respondents violated various provisions of the Act and Regulations and approved Interrogatories to William Shearer and Nancy Shearer. This Office has now received Answers to Interrogatories on behalf of those two respondents. Certain statements in those Answers, however, require clarification. In a telephone conversation with a Commission attorney, counsel stated he would provide clarifying information and documents in January 1989. Following receipt of that material, this Office will prepare another report to the Commission.

Lawrence M. Noble  
General Counsel

12/23/88  
Date

BY: Lois G. Lerner  
Lois G. Lerner  
Associate General Counsel

21040324138

060#1537

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of Treasurer  
1921 Summer Place Dr. West  
Mobile, Alabama 36618

January 2, 1989

**HAND DELIVERED**

89 JAN -9 AM 11:07

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

Mr. Robert Raich, Counsel  
Federal Election Commission  
999 "E" St. NW  
Washington, D.C. 20463

Re: MUR 2719

Dear Sir:

Attached is information relative to the above mentioned MUR.

Inasmuch as I am unable to hire an attorney, I trust you will accept this as my official answer to this MUR.

You will note this enclosed information only addresses Item 5 (hand numbered for easy reference) of the Factual & Legal Analysis.

Items 1 thru 4 of this Analysis are correct and, therefore, no comment is necessary.

As to Item 5 - the enclosed should prove beyond a doubt that I, as Treasurer, have done my very best, over and above normal expectations to correct these action of William K Shearer, his daughter Nancy and John Couture which have made the filing of incomplete reports necessary.

For a bit of background information ... the contributions to the Populist Party of the United States have always come into the San Diego office - except for the short period of time in 1985 when the office was in Phoenix, Arizona where the same practice was carried on. After putting information from these contributions into the computer, the contributions were then sent to me for deposit, along with a transmittal letter listing only the last name of the contributor and the amount contributed. At no time have I ever been privy to the list of contributors, that having been carefully guarded by the San Diego office. This San Diego office and for that matter the Phoenix office for the short time it was in operation has been managed by Nancy Shearer, the daughter of William K. Shearer. This, of course, gave him easy access to all contributions. Likewise, this practice has also made it very easy for him to assume the haughty, arrogant manner of doing as he saw fit with the funds: while at the same time

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FEDERAL ELECTION COMMISSION

preventing my doing anything to correct this confiscation of funds. Particularly, is this true considering that the Cahirman, John Couture lent his cooperation to this conspiracy.

As for the statement in Paragraph 5 ".....a dispute within the organization does not eliminate the obligation of a political committee to file complete and accurate reports with the Commission ....does not absolve the Treasurer of responsibility under the act".

My only comment to this statement - I am sure you will find that the enclosed information shows beyond a doubt that I have done everything in my power to secure the information necessary to complete these report schedules. However, such has not been forthcoming and, in fact, this practice of the Shearers has not apparently abated. Rather it could be said that these people, the Shearers and John Couture have repeatedly thumbed their noses at all my requests, as well as thumbed their noses at the FEC regulations. These people have proceeded forthwith as they see fit, in spite of the fact that even as late as March, 1987 at the Executive Committee meeting in Dallas, after much discussion Bill Shearer admitted he was wrong in handling the funds in the fashion he had.

I have received no funds for deposit since June of 1987. I find it doubtful that absolutely no funds have come into the Party.

To infer that I, under circumstances presented here, am responsible for the filing of complete reports is ludicrous. I know of no provision in our system of government whereby anyone can be held responsible for the misdeeds of another. Certainly, I am not the culprit.

I can only suggest that if the Commission chooses to pursue this matter further, they direct their probe at the real culprits.

If I can be of further assistance, please advise.

Very truly yours,

*Faye Miller*  
Faye Miller

Enclosures

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NOTES TO PARAGRAPH 5 - FACTUAL & LEGAL ANALYSIS

FEDERAL ELECTION COMMISSION -- MUR 2719

1. The following enclosed letters are those meant to show the concerted effort on the part of the Treasurer to correct defects not only in the financial records but also to correct the handling of incoming and outgoing funds of the Populist Party of the United States by William K. Shearer and/or his daughter, Nancy Shearer, done with the approval of the Chairman, John Couture.

From the Treasurer to John Couture

Dated	March 2, 1987	August 19, 1987
	March 11, 1987	September 16, 1987
	April 2, 1987	September 30, 1987

From Billy C. Bedsole, Attorney to William K. Shearer

Dated June 4, 1987  
June 9, 1987

From Billy C. Bedsole, Attorney to John Couture

Dated June 10, 1987

From William K. Shearer to John Couture

Dated June 8, 1987

From the Treasurer to William K. Shearer

Dated March 2, 1987  
May 20, 1987

From the Treasurer to Nancy Shearer - Office Manager

Dated March 2, 1987	March 10, 1987
	April 11, 1987

From Treasurer to Members of Executive Committee  
California American Independent Party

Dated June 27, 1987

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## NOTES TO PARAGRAPH 5 - FACTUAL &amp; LEGAL ANALYSIS

## FEDERAL ELECTION COMMISSION -- MUR 2719

2. Information regarding OPERATION OUTREACH OF THE AMERICAN INDEPENDENT PARTY

a. Operation Outreach filed a Statement of Organization with the Federal Election Commission on October 14, 1980

b. The address of this organization is stated in this Statement of Organization as 8158 Palm Street, Lemon Grove, California 92045. This address is that of the residence of William K. Shearer. This remained the address of this organization at least from 1985 thru 1986 and possibly for the interim years 1981, 1982, 1983, 1984 (copies of FEC reports for these 4 years not available). Beginning with the first report of the year 1985 Irene Maggio is shown as Treasurer for the years 1985, 1986, 1987, 1988 to date. However, this address was not changed until the first report for the year 1987, at which time it was changed to show Irene Maggio's address. The officials of this organization is shown on the Statement of Organization to be Evelyn Kudrovzeff, Secretary and Merwyn H. Hemp, Treasurer. Subsequent Amended Statements of Organization could reveal that others now hold these positions. However, in the case of Hemp and Kudrovzeff it is not being said that these people or Maggio have violated any regulations other than those possibly violated upon the instructions of William K. Shearer. This organization is totally and completely controlled by Shearer and is used for much the same reason as will be documented in a later paragraph - that is, to take care of his own personal whims in donating to candidates (statewide) and to pay bills as he sees fit. Funds are deposited into this bank account from any source that he is able to affect. An example of that is that services and expenses of his wife, Eileen Shearer during the 1984 Presidential campaign were made payable to this organization and deposited in this account. I believe an "exception" by the auditors of the Populist Party for the year 1984 will be shown on the FEC audit report concerning this method of funding the organization

c. The following is information regarding the payment of debts for the Populist Party by Operation Outreach:

(1) Alpha Graphics - (619) 283-4083

Reported on Operation Outreach FEC Report fpe 12-31-87, Schedule B, Line C as disbursement in amount of 286.42. Alpha Graphics verified in telephone conversation of 8-14-87 that this amount was paid by Operation Outreach Check #139 on June 29, 1987 for Populist Party account.

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NOTES TO PARAGRAPH 5 - FACTUAL AND LEGAL ANALYSIS - Continued

FEDERAL ELECTION COMMISSION -- MUR 2719

(2) Letter Kraft Printing - (619) 463-6601

Reported on Operation Outreach FEC Report fpe 12-31-87 Schedule B, Line B - 174.60. Letter Kraft verified by telephone 8-14-87 that this amount had been paid for the Populist Party June 29, 1987. Their records did not indicate who paid it.

(3) John Couture Party Chairman

Reported on Line F, Schedule B fpe 12-31-87 500.00 - this is obviously the cost of the die for the medallions, and is the same medallions referred to in John Couture's letter of June 16 in which he (John) authorizes Bill to send funds to his (John's) secretary who is authorized to receive funds and acquire medallions. (See enclosure in letter of September 30 to John Couture from the Treasurer.

(4) Mailboxes, Etc - (619) 584-4890

Could not verify an amount owed this company due to the absence of bookkeeper. However, this is one of the regular vendors to the Party and rendered the same services as described on this Line A, Schedule B, therefore it can be reasonably assumed that amount of 495.76 was for payment of Party debt. FEC Report 12-87.

(5) William K. Shearer

Line E, Schedule B-546.79 - reimbursement for Pacific Bell Telephone. This, more than likely - is payment of Party telephone bills, as this is his manner of handling matters. However, even at this late date - January 1989 - the telephone company has removed this information from their computer, therefore it is not possible to determine exactly. FEC Report fpe 12-31-87

(6) Federal Express - (901) 369-3600

FEC Report fpe 3-31-88 174.00 paid on 1-22-88. Schedule B, Line A This is the amount Federal Express verified as being due for Populist Party on 8-14-87.

(7) FEC Report fpe 12-31-87 shows a total receipts for this period of 5,718.34. While these contributions are all from California with the exception of one, there is a very good liklihood that at least many of these contributions were those intended for the Populist Party. In a telephone conversation of approximately May 15 Bill Shearer told me by Telephone that he had in excess of 4,000 contributions but would not send to me because I wouldn't agree to use these funds to pay what he dictated. He, also mentioned this

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in the second paragraph of his letter of June 8, 1987 to  
John Couture - copy attached, Item 1 Notes to Paragraph 5.

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21040324144

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of Treasurer  
1921 Summer Place Dr. West  
Mobile, Alabama 36618  
September 30, 1987

Mr. John Couture  
Populist Party of the United States  
13131 W. Janesville Rd  
Hales Corner, Wis 53130

Dear John:

91040324145  
One more time I find myself asking you to call an Executive Committee for the purpose of trying to get financial matters and records straightened out. Believe me John, we may be in for some turbulent times. The discontent in the states with the way in which we have handled the Party business and the bad tastes left by Nancys stupid conduct, both inside and outside the office has created ferment to the point where we may very well find ourselves in a class suit, demanding to know how much money has been contributed and what it was used for, etc. This, along with what I feel sure is certain FEC violations, which I have discussed several times with you, could become a full blown hurricane. And, John, let me impress on you that I have absolutely no intentions of being drawn and quartered by anyone because of the conduct of Bill and Nancy, done with your condolences. I have suffered enough personal grief over being used by Bill Shearer and I don't intend that it shall ever happen again. I trust you can appreciate the seriousness of what I speak. To my knowledge there has been no Committee meeting since Dallas last March. I am willing to set up the conference call and have it charged to my telephone if you will just OK it. Let me know.

Also, John, you know I have refrained for some 2½ years from answering the rot and trash that has been written and published about me. In spite of the fact that I have, as you know, been encouraged to reply to all this, as well as file suit, it just simply has never been my opinion that anyone could win one of those proverbial contests with a skunk. At no time have I ever chosen to dignify this garbage by replying.

However, I have spent several months of careful study and consideration of the contents of your two letters - June 4 to me and June 16 to Bill. Having finally gotten over the shock, I

now feel compelled to dissect these. Attached you will find copies of both your letters, along with my comments on these.

I trust you will read my comments, with the same feeling of loss - of what was supposedly a 15 year friendship between you, Emmett and I - as I did when I read and reread your letters wherein you lent your total support on each and every occasion to Bill's abominable conduct. Your conduct has been particularly hard for me to understand since you know perfectly well what the facts pertaining to each and every one of these incidents is.

Likewise, you know as well as I, that this shafting and mistreatment of people for simply disagreeing with him or not paying homage, is a long standing habit of his, as well as is character assassination for no good reason. One particular incident comes to mind - Memphis 1977 in which you, Bill Dyke and some others were subjected to his poison pen and character assassination. In case you may have forgotten, let me briefly reiterate. You called Emmett and asked him to set up a nationwide meeting of conservatives in Memphis. Then 3 days before this meeting, and after all arrangements for speakers, etc had been completed, Bill called Emmett and demanded that he rescind all his support and cancel all reservations, etc. His (Bill's) reason for wanting this done was that he (Bill) did not want this meeting held. His reason- only renegades would attend and this in spite of the fact that speakers of the highest caliber were engaged. In spite of his doing everything in his power to torpedo it, the meeting was a roaring success. That is not the only time Bill made such ridiculous demands on Emmett which were completely denied. For whatever reason, Bill never chose to castigate Emmett. Now, John, knowing as you do how Emmett handled himself in the political arena with Bill and this type conduct, how could you ever have thought that I would bow, scrape and lick Bill's boots or go along with his shenanigans, some of which have serious connotations.

Surely you'll never forget Phoenix June '85. My trying to get Fred Seipold to ante up the Party money that he had collected and deposited in his personal account brought the worst tirade I have ever seen from Bill. Of course Fred fit into Bill's future plans too well for him to permit any discussion which might result in Fred's being forced to resign. If you remember, Bill defended Fred to the bitter end, even to the point of almost swinging at me in the hotel lobby.

John, don't let me fail to impress on you the importance of getting all these loose ends tied up by calling an Executive Committee meeting. Otherwise, I sincerely hope that you, Bill and Nancy have asbestos britches... you may need them if we do get into court action.

Faye

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YOUR LETTER OF JUNE 4 TO FAYE MILLER - Copy Attached

(Your letter's paragraphs hand numbered for reference)

1. For comment on Bill's confiscating Party Funds, with your approval see comments regarding your letter of June 16 to Bill. The only surprise is --- how was he able to con you into becoming an accomplice??

2. As to delays, hassles, squables, etc between my office and the San Diego office...For one time Bill has been caught telling at least a partial truth. There have been many problems, real problems, between here and San Diego. And yes, some of these problems emanated from deficiencies in billing - but these were REAL deficiencies, not "claimed" deficiencies as he would have you believe. Additionally, these deficiencies in billing, while a part of the disagreements, were by no means the only disagreements between S.D. and here. John, you are certainly aware of the problems that have existed between here and there for the past 2+ years. I have spent my money - telephone- talking to you about these and have sent copies of correspondence between Bill, Nancy and I to you. But for the record, I will re-state some of these.

a. With 80 man hours a week - some \$3,500. per month- being paid for, the telephone was unanswered much of the time until late afternoon, California time. This was particularly irritating when someone in the field, after having seen the FEC reports, would call me complaining about not being able to get in touch with the office and when they (field) did get in touch, Nancy's being so arrogant and uncoperative. The field people had access to what was paid for the operation of this office, and didn't apparently know anyone to call other than the name on the reports - me. My talking to Nancy about this was just about effective as if I had been talking to a 5 year old.... always told by her to the effect that what difference did it make whether these people approved of her conduct or not.

b. Nancy would call at the last minute and just have to have a check the next day in order to pay bills.. I would send the check Fedex, always with the understanding that she would send the back-up invoices by return mail. A large part of the time I never received these invoices. After awhile it became apparent she did not intend to cooperate. Considering there was no good reason why she could not have sent the invoices when she received them, there was no good reason for this sudden flurry of having to have the check mailed Fedex. To date I am still without much of this back-up information. True enough she sent some of the documents in June, but by no means all that was missing.

c. Her habit of having personal items billed to the Party was one I felt was inviting criticism of the both of us, even though she would ostensibly separate these at the time of paying.

d. Invoices billed to Banner Advertising - a Shearer family owned business - were being paid by Party funds. Of course, even though these purchases may have been for Party use, I don't have to explain the other side of something like this. You will remember

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I brought this up in the Committee meeting in Dallas and Bill assured us he would see that the proper statement was prepared that would clear the Party records -- to date nothing has been received.

e. Collect calls charged to the office telephone from other than Party members are a source of concern to me - particularly after having been told these were from her boy friends.

Calls made from locations other than the office and late into the night as evidenced by the use of telephone credit card. Beginning last Fall and the first of this year these calls charged to the credit card outnumber those made from the office location. If there ever was any doubt about her absence from this office, this is proof of it.

f. The extra labor hired by Nancy for mailings amount to several hundred dollars and involves payments, I am told, to her relatives, as well as a boy friend. Perhaps you have not recognized the significance of my questioning this practice. You will remember I have told you we were paying hundreds of dollars to outside businesses each time we did a mailing, in addition to what we paid these extra hire. If we have paid for printing, collating, folding, insertion, stamping, etc for mailing, what the heck else is there to do. I questioned Nancy about this and was told that I didn't understand, that it took more to get things done in California than it did in Alabama. Obviously so !!

g. Nancy demanded and got from the Executive Board - my vote included - permission to lease a copier. I later figured , after we had had the copier for several months - that we were paying quite a bit more per copy using the leased machine than we had been paying per copy by someone else. My questioning the expenditure of this some \$180. per month brought the usual barrage from Nancy and that she was not going to be bothered with going out for copies even though it was only a short walking distance to get this work done.

h, I suppose the most heated discussion Nancy and I ever had occurred this past February when she called and wanted a check to pay her and Donna's plane fare to Dallas. Here we were with virtually no funds in the Treasury and she wants to take Donna along to Dallas and for no apparent good reason at all. I refused and was told that her Daddy said for me to send the check for both. I didn't send Donna's fare and "Daddy" let me know in Dallas, in his sarcastic manner that he knew I hadn't paid Donna's fare---like I didn't know I hadn't.

i. Insofar as your statement that I would "retain total authority as Treasurer and would not, of course, be expected to file any required reports that were not fully supported in accordance with recognized accounting standards"....for God's sake, John how could you make such a stupid statement? Let me, one more time, apprise you of the fact that desire on my part to keep correct and proper records pertaining to the finances is NOT AN EGO TRIP with me -- rather, it is desire to fulfill requirements necessary to please the constituency as well as the FEC. Nancy's messing around with requests made by me for certain information necessary to go on the reports has resulted in our being assessed penalties already. Or have you forgotten? I made it quite clear to you on the telephone that I would not, under any circumstances, become

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involved, in any manner, with finances if they kept in California. This was the prime requirement that I made with you when we discussed this. Of course, that is moot now as I rescinded that agreement before it was to become effective July 1. I'd have to have less intelligence than a one-cell amoeba to believe I could get proper information from them if the entire set-up was kept in California when I couldn't with only part of the financial operation in California.

3. John, this entire paragraph is so incredulous that I have had difficulty believing that you made some of the statement therein.

If, to keep this Party alive, we are to be forced to kow-tow to Bill Shearer's rapacious ways, then better that it perish. Certainly, to have it survive only because we are gutless and cowardly enough to be threatened, coerced and conned into giving the likes of Bill Shearer total control is an insult to all the dedicated men and women who have gone before us. Personally, I am not prepared to dishonor the 37 years (since Fielding Wright and Strom Thurmond in 1948) of hard work and money Emmett put into this movement by sitting idly by and supporting Bill while he, in his underhanded ways quotes scripture while at the same time spewing venom like a pit viper at anyone who dares have an independent thought or disagree with him. Neither will I cower before his strut and permit him to dictate my every move in my handling of the Treasurer's duty. Had I been looking for the easy way out I would very definitely have turned the Treasurer's job over to him and his spoiled brattish daughter. However, since I was elected by the majority of the people present at the Chicago meeting - and I might add, it appears I am the only elected official remaining - I choose not to tuck tail and run.

Yes, John, Bill certainly did an awful lot of legal work for the Party. But let me remind you that much of what he did was done for the purpose of using us to satisfy his own insane hatred for anyone who disagreed with him, while at the same time not confining himself to the truth.

In reference to a large part of the "job" he did for the Party, I am reminded of the trite expression that it can be said that a prostitute does a job.

4. Your reference to our continuing "not under the luxury of the ideal circumstances that we all might hope existed, but under the harsh realities which confront us here and now, we have little alternative other than to proceed as suggested".

"Ideal circumstances" as you have used it here can only be meant to describe my attitude of wanting the financial records to be kept properly and my attitude that we owed the constituency the obligation of using their contributions for the betterment of the cause to which they thought they were contributing. Certainly, to use 200,000+ dollars and have nothing to show for it can hardly be considered doing the honorable thing.

The "harsh realities" you refer to can only mean that, if we are to survive we must lick Bill's and Nancy's boots while

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they rape and ravage the Treasury, as well as treat the supporters as if they were dirt. Nothing is worth having at that price. Maybe we people down here don't understand how things are done in California, as Nancy reminded me so many times, but we down here do have honor and integrity and the courage to conduct ourselves thusly.

Need I say more????

5. John, how could you have the audacity to make a pretense of asking for my decision regarding the Treasurer being moved to California when less than 10 days later you and Bill pulled off the conspiracy of the year and have proceeded to handle all Party matters, including the Treasurer's job - just as the two of you see fit, or maybe more correctly as Bill sees fit, but with your condolences. And all of this without the benefit - or as you two probably feel, without the interference, of the Executive Committee or the duly elected Treasurer.

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Enclosed is copy of your letter 6-4-87 referred to herein...

91040324151

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

Mailing Address  
6065 Mission Gorge Road  
Box 211  
San Diego, CA 92120

(619) 282-5614

Chairman  
JOHN M. COULURI  
13131 W. Janesville Rd.  
Hales Corners, WI 53130  
(414) 425-8181

June 4, 1987

Mrs. Faye Miller, Treas.  
Populist Party Of The United States  
1921 Summer Place Drive, W.  
Mobile, Alabama 36618

Vice-Chairman  
MAUREEN SALAMAN

Secretary  
DON KIMBALL

Dear Faye,

Treasurer  
FAYE MILLER /  
Parliamentarian  
WILLIAM K. SHEARER

I talked with Bill today following my conversation with you. He confirmed that his foot is in bad shape and he goes into the hospital for surgery next week. He advises me that he does not wish to transmit the funds he has collected from California AIP members for the purpose of paying off the obligations of the national Populist Party.

I do not wish to misstate his reasons but I think it is fair to say that he believes there have been unnecessary delays, hassles and squabbles between your office and the San Diego office over claimed insufficiencies in billings and invoices, and, as a result, inappropriate delays in the transmission of checks to creditors. He has requested that I seek your permission to name an assistant treasurer from the southern California area, and to open a second bank account there, in order to expedite accounting and payment procedures. You would receive a full and detailed accounting of every transaction, would retain total authority as Treasurer and would not, of course, be expected to file any required reports that were not fully supported in accordance with recognized accounting standards.

In the absence of such procedure, under the circumstances which obviously govern this affair, Party obligations simply will not be paid and Bill has stated that he will submit his resignation. Clearly, these are eventualities which just cannot be permitted to occur. Failure to meet our obligations would, as a practical matter, spell the end of this organization. It would leave the mercenaries and their sycophants (Carter et al) enthroned and unchallenged. Notwithstanding your differences with Nancy's conduct of her office, it is generally beyond argument that Bill's strengths, insights, experience, guidance, and legal work on behalf of the Party have been its mainstay, keel and anchor. This observation is not intended to diminish in any measure whatsoever the invaluable services you have performed-- and performed, moreover, in the center of an arena which none of us dreamed would exist.

However, if we are to continue, not under the luxury of the ideal circumstances that we all might hope existed, but under the harsh realities

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3.

4.



(Numbers below refer to numbered paragraphs in your letter)

1. Your statement.. "We are attempting to keep Attorney Bedsole through July 14..."

a. How could you possibly sanction Bill's confiscating the Party funds and yet sit in your office the afternoon of June 15 and discuss with me the possibility of getting my son's cooperation in securing Counsel?? Of course, as matters turned out, it would have been sheer folly to have even considered defending this case - as explained in later paragraph. I am convinced, however, that it was Bill's intent that I would find a way to secure enough representation to continue this case just a little further. In this way, he could put off further having us find out what a grandiose liar he had been. Particularly, does this ring true when you consider how many times he bragged about "When the FEC gets thru with Willis, there won't be enough of him left to worry about the suit with us" How nice for him it would have been had the FEC really as he referred to it " taken care of Willis". The only question, John is to what extent were you involved in this scenario?

b. This "brief memo" you refer to was just that, a brief memo. I was under the impression that you were going to send a document that could be filed in court requesting a postponement. Upon receiving this letter- Saturday, June 20 - I was shocked to find that you had only sent a letter, not a properly drawn document. Nevertheless, on Monday, June 22 I discussed the postponement with the Court and was informed that the Order permitting Bedsole's withdrawal had already been prepared and that clearly stated in this Order was "The progress of this case will not be delayed because the defendant is without counsel." I was further informed that the request would have to be in proper form before it would be considered, and that the Court meant what it said about any postponement not being granted.

Upon to this point I had visualized going to Dothan to Michael Evers' office to secure any and all facts vital to the case that he would permit. Considering that Bill Shearer's confiscating the funds necessary for discovery had resulted in the discovery date passing, I felt that if we were able to secure Counsel, it would be imperative that we have all the information available for him. The fact that Bill had always assumed the lead position in the case, with Bedsole really only acting in somewhat of a caretaker role, neither he nor I had been made privy to the details of the defense of this suit.

Michael Evers was very cooperative and gave me full access to the documents in his files which would have normally been considered at discovery. After spending hours in his office going over these documents which contained the vital information that we would have had to overcome in order to win the suit, it became boldly clear why Bill Shearer had resigned. It was patently clear that we had all be duped and used by Bill, not only involving this suit but in many other ways, too. It was very clear to even me that when the time was about to arrive when he would have to back up all his statements assuring us he could win this suit hands down, he chose the coward's way out by resigning and dumping his garbage on me.

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There is no reputable attorney who would, after having seen these documents, recommended pursuing this in Court. Likewise, there is no reputable attorney who knowing all about this case as Bill did, would have led his clients down the primrose path. Not only have we been royally used in this instance but we, especially me, have been used in other matters, some pertaining to the FEC.

The most glaring lie that Bill told us all was that he had a release signed by the Plaintiffs, LL and Cordite which relieved us of any debt owed them. You can imagine my shock and anger to find that this so-called "release" in no way pertained to LL and Cordite. It was a release, but relieved us of any debt due Populist Party, Inc., the Virginia corporation and signed by this corporation's officers. In no way could any just reasonable person have mis-construed this. Certainly, it is inexcusable to believe that an attorney such as Bill could have been mistaken. This is particularly maddening when one considers that Bill made the motion at the Executive Committee in Washington, November 1984, that the Committee accept the debt which was in excess of \$200,000. In fact, John, you seconded this motion. All of this and other info too numerous to get into here would have most certainly blown us out of the water. Our chances of winning were nil to nothing at all, even I could see that. Even my attempts at negotiating any kind of settlement were to no avail. Evers knew he had a winning hand and wouldn't budge. Securing counsel would have been a useless waste of time and money.

I have done my best, by way of a statement to the FEC, to correct any erroneous statements I made. The fact that I blindly signed, without reading, documents that Bill prepared and permitted his spoon-feeding me lies and erroneous info that I repeated, has been a source of personal grief to me.

2. Here you state "my secretary is alerted to receive funds and acquire medallions". Inasmuch as this letter of yours is directed to Bill, it is quite obvious that you are authorizing Bill to circumvent the Treasurer with Party funds.

3. California Populist Party, Creditors ---- I suppose this feeble attempt on your part, to infer that the Populist Party has creditors in the state of California with priority over any and all other creditors, including those for payroll taxes. I am surprised that you two attorneys would conspire to pay any creditor before the #1 priority after first mortgages, Federal taxes. I have repeatedly made this clear to both of you. As to Bill's "separate efforts". What is separate efforts as used in this instance. While I have no way of knowing who contributed how much and for what it was used, chances are that much of this would be those contributions pledged at the Dallas meeting and certainly there weren't any stipulations that these funds were to be used ONLY for California creditors. Remember John ??

As for Operation Outreach - you know as well as I that this is controlled completely and totally by Bill and has always been used for just the purpose it is obviously being used now; to funnel funds to this organization for the purpose of being used for his pet projects. There is no leeway provided for

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such conduct in the FEC regulations. I am attaching copy of the letter, along with copy of FEC regulations mailed to some 70 California AIP members. I had replies from quite a few of the AIP members, but none from any member or officer of Operation Outreach. Of course, you must know how Bill handled this matter. ..simply took your letter of June 16, copied it and sent to those like Irene Maggio and with his glib tongue convinced those people that he had your approval to handle matters like this. Naturally, they would not have thought to question whether or not you had the authority to indemnify anyone in this instance.

4, 5, 6, 7, & 8 -- No comment

9. While I, at this late date, do not have a copy of the Minutes for refernce, I seem to remember that the loan from Bill was in the amount of \$4,000.

If you remember, Bill came to the meeting in Dallas with his personal checks totaling some \$2,700. He indicated that he paid that amount of debts for the Party - all at his and Nancy's discretion as to what should be paid and to whom. He and I had a rather heated discussion about his handling the payment of debts in this manner; he finally agreed that he should not have done so. He, likewise, stated he would not do this in the future. I agreed to retroactively authorize this, based entirely on his statement that he wouldn't do so in the future. He and I had crossed swords earlier in the year about just this kind of conduct on his part. The man simply has a propensity for taking advantage of people whenever and wherever it behooves him. A motion was made and passed that the Party assume this debt - I have no way of knowing whether it was \$3,000 or \$4,000. By the way, this is information that is required to be included on the FEC Reports. Without the correct info I cannot complete the schedules. I have asked Richard on three occasions to send a copy of these Minutes, with no success.

10. I find it very interesting that Bill does not consider he has responsibility for the payment of payroll taxes when he is totally and completely responsible for their not being paid - stating that it was better to keep the funds for the operation of the S.D. office, lest people think we were not in business. I, likewise, find it very interesting that you "have no quarrel with this position".

Of course, at the time I refused to pay bills according to his stipulations, I immediately became "bad" and not a person he could trust to "use the funds for the purpose they were intended". Translated that means I would no longer permit him to dictate the handling of funds and I insisted that all debts be considered before any were paid and I further insisted that debts other than those in S.D. be considered for payment immediately as it was apparent that all other debts outside of S.D. had suffered terribly at the hands of he and Nancy.

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However, this conduct on my part was sheer folly - he just immediately went into his act of confiscating the Party funds as they came in and use them to pay whatever he deemed necessary; or solicit funds for the Party and confiscate these too, meanwhile again paying what he chose; or in extreme cases he would pay the bills from his personal account and ask for reimbursement or the acceptance of a loan to cover his personal investment. He couldn't lose for winning, nor by the same token I couldn't win for losing. Oh, and another of his little tricks - I am told he has sent checks back to contributors and advised them to return the check made payable to Operation Outreach. If it weren't so serious, it could be compared to a dog and pony show at the circus.

With no Treasurer and/or Executive Committee to hold at least a little rein on him and Nancy, they must be in "hog heaven", and with your condolences, John.

How could you, an attorney, and for that matter a long time friend, just bust your bottom to wholeheartedly agree with him? Oh, I believe you did say you "have no quarrel with this position".

John, I have received from you - guess Nancy sent the checks to you - a total of \$264.00, which I still have. Without the Committee meeting, I do not know how to handle this. Many of these checks were stale dated when I received them. Since all appearances seem to indicate that the Party has gone to pot, I am not willing to take money from the type of elderly people who are more than likely on social security and deposit it into an account that is, for all practical purposes, dead. Please let me know what you and the Board wish.

Also, apparently Bill is getting checks in at the S.D. office and using them as he sees fit to pay Populist Party debts. I just last month checked with some of the vendors in California and they have received payment of their accounts. In fact, one vendor checked his deposit records and found that an Operation Outreach check paid the bill. The other vendors who have been paid were not able to determine what check paid them. So, most certainly, Bill is at it again - confiscating Party checks, and in some way funneling them into Operation Outreach and using them as he sees fit, or perhaps he has another bank account in the name of the Party. With his sick thinking, he probably figures he can do so with immunity.

As to any comment on the remainder of your letter--- permit me to say that we country kids grew up in Arkansas knowing what manure was and that it came in different shapes, forms and odors but we still recognize it regardless of the shape, form or odor.

John, your and Bill's conduct in the handling of Party finances is so ribald that if the two of you had conducted yourselves in this manner in the business world, the question of embezzlement could very easily rear its ugly head. To say the least, this conduct of the two of you certainly constitutes conspiracy.

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John, for your convenience I am enclosing copies of

- 1. Your letter of June 16 to Bill
- 2, Your note of 6-16 to me

21040324157

COUTURE and ROFFA

*Attorneys and Counselors at Law*

JOHN M. COUTURE  
CARLTON ROFFA

13131 W. JANESVILLE ROAD  
P.O. BOX 207  
HALES CORNERS, WIS. 53130  
PHONE (414) 425-8181

June 16, 1987

Mr. William K. Shearer  
8158 Palm Street  
Lemon Grove, CA 92045

Dear Bill:

Pursuant to our telephone conference of June 14, 1987, please be advised as follows:

1. Cordite Fidelity et al vs. Faye Miller, et al. We are seeking to key Attorney Bedsole as the Party attorney in the captioned matter at least through the pre-trial date of July 14, 1987, and will make other arrangements, if necessary, following that date. If he insists on withdrawing prior to such date, I've prepared brief memo for Faye to present to the Court requesting a postponement.

2. Medallions. My secretary, Dawn Hall, is alerted to receive funds and acquire medallions. She can attend to mailing out same if you send list of purchasers. American Coin (Bill Spencer 414-637-7766) will tell her how to wrap and mail. We locked in price today at \$7.90 delivered to us.

3. California Populist Party Creditors. I hereby grant you authorization to pay the California creditors of the Party from the monies which were collected through your separate personal efforts for the purpose of paying Party obligations. I am not aware of any legal impropriety in your having made such collection through, or in attributing such collection to, the fund raising division or committee of the California AIP, the Populist Party's California affiliate, which division or committee is known as "Operation Outreach", and I hereby authorize payment through said arm of our National party's California state affiliate. Certainly the national party will, and hereby does, indemnify you from any claims, demands or causes of action as might be asserted on account of any alleged impropriety in the collection or expenditure of such funds.

4. NewsLetter. I appreciate and gratefully accept your offer to substitute the "Statesman" for the news letter that has been pledged to be mailed monthly to certain defined members of the Party.

5. Telephone. I will appreciate your making such arrangements as may be necessary to cancel our telephone subscription in the San Diego office and have the callers advised that "The new number is 414-425-8181", or to approve such other call forwarding method as will accomplish such purpose.

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Mr. William K. Shearer  
June 16, 1987  
Page 2

6. Mail. I understand that you will arrange to have all mail forwarded, at least for the time being, to: P. O. Box 207, Hales Corners, WI 53130. Such address, which may include the street address (13131 W. Janesville Road) is my office address.

7. Mailing List. I understand that this, too, will be forwarded to my said office address. However, I am concerned to discuss computer capability, etc. re this and will do so on my return from Europe.

8. FEC Representation. I understand that you will wish to have new counsel substituted for you as attorney for the Party in this matter. Inasmuch as the real work involved here appears to have been completed by you, I can probably serve as Counsel in the conclusion of this matter.

9. Your Loan to Party. I recognize the Party's obligation to you for a loan of \$3,000, less monies received for furniture (which you would retain) in the sum of \$443.57, for a net loan balance of \$2556.43. The Party will seek to discharge this obligation at the earliest possible date.

10. Payroll Taxes. I understand that you consider payment of these taxes a Party obligation for which you bear no responsibility. I have no quarrel with this position.

I am sure we can get caught up on any loose ends, Bill, shortly following my return from Europe on July 9th. Needless to say, and as you know, I deeply regret your decision to submit your resignation. If you can see fit to alter your decision, I am certain that everyone concerned will be delighted. You have at all times been a tower of strength to the organization and your official absence will be sorely missed. If you feel that you are unable to alter your decision, however, I know that I, for one, can and will seek your unofficial counsel.

In the meantime, I trust all of the Party officers and Board members will stand firm and steady in their respective roles. I wish to hold a telephone conference call with the Board shortly after my return and, as I discussed with you, I wish to bring a quiet new approach to the unification and strengthening of the entire third party movement. Mine is a phased plan and the first phase involves just a handful of people. If that phase succeeds, I believe the second phase will, also; and if the second phase succeeds, we will have a real opportunity to bring to fruition the organizational unity, and a national recognition of that unity, which has so long eluded us.

In any event, my best wishes for your future. I hope your foot is restored to total normalcy and that you, Eileen and Nancy have an abundant share of happiness over the coming years. Lord knows, you've all earned it! However, if my judgment of human nature and personalities hasn't gone totally awry, the happiness of all three of you is found in challenge, accomplishment and victory! Therefore, even though withdrawal from the stormy political seas to a quiet island of peace and contentment has an almost irresistible pull

91040324159

Mr. William K. Shearer  
June 16, 1987  
Page 3

for nearly all of us, if I know the Shearer family-- and I think I do-- you are just knocking a few barnacles off the boat before you plow back into those seas! I hope so. We'll be waiting and, hopefully, with the armada determined to win and all headed in the same direction.

Warmest personal regards,



John M. Couture

JMC/dmh

21040824160

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

Mailing Address  
6065 Mission Gorge Road  
Box 211  
San Diego, CA 92120

Chairman  
JOHN M. COUTURE  
13131 W. Janesville Rd.  
Hales Corners, WI 53130  
(414) 425-8181

Vice Chairman  
MAUREEN SALAMAN

Secretary  
DON KIMBALL

Treasurer  
FAYE MILLER

Parliamentarian  
WILLIAM K. SHEARER

(619) 282-5614

June 16, 1987

Mrs. Faye Miller  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

Dear Faye:

If Bedsole won't stay with us, please send letter to judge requesting a postponement of pre-trial. Advise him that our regular Party attorney, William K. Shearer, of California, who has been counselling Bedsole, has been beset with numerous personal difficulties-- wife in accident with multiple fractures in leg and his own foot problems culminating in hospital, an operation and extended incapacity-- all of which resulted in his resignation as Party officer and withdrawal of legal representation; that I, as Party chairman and Wisconsin attorney, just received notice of this on Saturday, June 13, on eve of my departure for Europe on June 16, for some 22 days, thus returning with no time in which to prepare for a pre-trial in Mobile, Alabama; accordingly, that he please postpone pre-trial date for as long as he can under these circumstances.

Thanks a million, Faye. I know you'll do your very best!

Special regards,



John M. Couture

JMC/dmh

91040324161

# THE POPULIST PARTY OF THE UNITED STATES

June 27, 1987

IN REPLY ADDRESS:

Office of the Treasurer  
1921 Summer Place Dr West  
Mobile, Al 36618

(205) 344-7956

TO: Members of the Executive Committee  
California American Independent Party

FROM: Faye Miller - National Treasurer  
Populist Party of the United States

SUBJECT: Collection of Funds and Payment of Debts for the Populist Party of the  
United States by California American Independent Party

I am informed that the California American Independent Party is collecting funds for and intends to pay debts for the Populist Party of the U.S. thru its division, Operation Outreach.

The purpose of this letter is to bring to your attention the impropriety of the California AIP substituting itself for the duly elected Treasurer of the Populist Party by blatantly collecting funds, depositing these funds in its bank account and paying debts for the Party; all of which totally circumvents the office of the Treasurer.

Attached hereto is copy of excerpts from the "Federal Election Campaign Laws" which is self explanatory insofar as to who is responsible for the operation of the finances of the national committee of a political party. Additionally, I have NOT, as National Treasurer, delegated the authority to act as my designated agent to anyone or any group. Therefore, your usurpation of authority would certainly appear to be in violation of FEC regulations as well as being very improper.

Inasmuch as there has been many instances whereby Bill Shearer and I have disagreed about the handling of finances as between the San Diego establishment and the Treasurer's office, I can reasonably assume that you have been convinced of the merit of the California AIP assuming responsibility for the handling of funds for the Party. Likewise, I can reasonably assume he has informed you that the National Chairman, John Couture, agrees with him. However, I can find no regulation in the FEC Manual whereby either a Parliamentarian or a National Chairman is so authorized to delegate any authority pertaining to the finances of a political committee. I would appreciate knowing if any of you have such information available.

There are very good reasons why recent debts of the Populist Party have not been paid. None of these reasons involve any idiosyncrasy, hatefulness, mental incapacity, malfeasance or misfeasance on my part. The capriciousness on the part of those who demand blind allegiance and total control has been discussed many times recently, by phone and by correspondence; therefore, it is not unknown to anyone concerned that such will no longer be tolerated.

I, as well as others, have in the past unknowingly permitted blind allegiance and confidence to prevail, making it easy for those to manipulate the demise of the Populist Party in order that California could emerge as the leader of the new national or a rejuvenated national American Independent Party. While I may have unwittingly been involved in these maneuvers in the past, I certainly have no intention of further being a part of such a diabolical scheme. I trust the California AIP will not permit themselves to be used to drive yet another nail in the coffin of the Populist Party.

Faye Miller  
National Treasurer

Encl:

(B) in the case of any other person, the full name and address of such person.

(14) The term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level, as determined by the Commission.

(15) The term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level, as determined by the Commission.

(16) The term "political party" means an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee, or organization.

(17) The term "independent expenditure" means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

(18) The term "clearly identified" means that—

(A) the name of the candidate involved appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(19) The term "Act" means the Federal Election Campaign Act of 1971 as amended.

#### § 432. Organization of political committees

(a) *Treasurer; vacancy; official authorizations.* Every political committee shall have a treasurer. No contribution or expenditure shall be accepted or made by or on behalf of a political committee during any period in which the office of treasurer is vacant. No expenditure shall be made for or on behalf of a politi-

cal committee without the authorization of the treasurer or his or her designated agent.

(b) *Account of contributions; segregated funds.*

(1) Every person who receives a contribution for an authorized political committee shall, no later than 10 days after receiving such contribution, forward to the treasurer such contribution, and if the amount of the contribution is in excess of \$50 the name and address of the person making the contribution and the date of receipt.

(2) Every person who receives a contribution for a political committee which is not an authorized committee shall—

(A) if the amount of the contribution is \$50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

(B) if the amount of the contribution is in excess of \$50, forward to the treasurer such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, no later than 10 days after receiving the contribution.

(3) all funds of a political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

(c) *Recordkeeping.* The treasurer of a political committee shall keep an account of—

(1) all contributions received by or on behalf of such political committee;

(2) the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of such contribution by any person;

(3) the identification of any person who makes a contribution or contributions aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution;

(4) the identification of any political committee which makes a contribution, together with the date and amount of any such contribution; and

(5) the name and address of every person to whom any disbursement is made, the date, amount, and purpose of the disbursement, and the name of the candidate and the office sought by the candidate, if any, for whom the disbursement was made, including a receipt, invoice, or cancelled check for each disbursement in excess of \$200.

**WILLIAM K. SHEARER**  
8158 PALM STREET  
LEMON GROVE, CA 92045

June 8, 1987

Mr. John M. Couture, Chairman  
Populist Party of the United States  
13131 West Janesville Road  
Hales Corners, WI 53130

Dear John:

I have not heard from you since our telephone conversation of last Tuesday morning. Therefore, I presume that the situation with Mrs. Miller is at an impasse, and that neither of my suggested resolutions of the problem are satisfactory.

That being the case, I have no assurance that the contributions which I have solicited from others for placement in her hands will be used to retire the obligations to creditors for which the funds were contributed.

Under the circumstances, I have no recourse save to resign the office of Parliamentarian, and my membership on the National Committee and Executive Committee of the Populist Party. You may consider this letter my resignation from each of these positions effective immediately. I will take no further part in the making of any decisions for or on behalf of the Populist Party, nor will I assume any responsibility for such decisions.

As I mentioned to you on the telephone, Mr. Bedsole, the Alabama lawyer, has attempted to reach me by telephone, and I presume that he wishes to discuss the Liberty Lobby suit against the party. I have written Mr. Bedsole and advised him to contact you for direction. A copy of my letter to him is enclosed.

I realize that the party has a number of unresolved financial problems, but I believe I have done more than my fair share in attempting to solve these problems. When I talk to you I will be prepared to propose a reasonable resolution of this and other problems. I am currently preparing a list of the remaining problems known to me, and will be contacting you this week to discuss these matters including the substantial loan which I made to the party on or about March 7, 1987, and which has not been repaid.

Meanwhile, I have returned to the contributors all of the contributions which I solicited for the party, since I cannot be sure that they will be used for their intended purpose.

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I regret the necessity of this letter, because I appreciate you, and have enjoyed working with you, and my other friends on the National Committee and the Executive Committee, in the effort to build the Populist Party. Life is too short, however, to put up with abuse and duplicity from Mrs. Miller.

While writing, I should make two additional points.

First, this letter is not intended to affect the membership status of the American Independent Party of California in the National Committee of the Populist Party. Membership in the National Committee is a decision made by the American Independent Party's State Central Committee under the election laws of the State. My resignation is personal to me, alone, and is not intended to reflect or influence any past or future action of the State Central Committee with regard to national committee membership.

Second, this letter is not submitted for purposes of pressure. My decision to resign was not easily reached, but having been made, it is not revocable. I shall be going into the hospital, this week, for further surgery on my foot, and, because there is more infection, I cannot be sure of the length of the hospitalization, or the recuperation period. Eileen is still incapacitated from her injuries, and, from a personal standpoint, I am not in a position to take on any more responsibilities, particularly those involving threats and attempts to annoy, harass, and embarrass me by a person who has a duty equal to my own to seek constructive resolution of the party's problems, but who refuses to honor that duty.

I wish you and the Populist Party success, and genuinely regret that I am no longer able to serve.

Sincerely yours,

  
William K. Shearer

CC: All members of the national Executive Committee, Populist Party of the United States

Nicholas W. Kudrovzeff, State Chairman,  
American Independent Party

21040321165

LAW OFFICES  
STOCKMAN & BEDSOLE  
220 DAUPHIN STREET - BLDG. C  
MOBILE, ALABAMA 36608

June 4, 1987

SAMUEL L. STOCKMAN  
BILLY C. BEDSOLE

MAILING ADDRESS:  
P. O. BOX 2387  
TELEPHONE 471-3481  
AREA CODE (306)

Honorable William K. Shearer  
8158 Palm Street  
Lemon Grove, CA 92045

RE: Liberty Lobby, Inc., et al, vs. Miller, etc.  
Civil Action Number 86-0925-C

Dear Mr. Shearer:

I have attempted to call you on Tuesday, May 12, and Wednesday, May 13, 1987, but have not received any return telephone call from you. It is extremely important that I communicate with you since I am certain that you are aware of the fact that the lawsuit referred to above in the United States District Court for the Southern District of Alabama, is set down for a pre-trial hearing on Tuesday, July 14, 1987, and the discovery cutoff date is June 19, 1987.

Also, we have apparently allowed the two days submitted to us for examination of the records in Washington to expire; so, therefore, we may not be able to see that material.

Due to my limited knowledge of the background of this claim, I was completely dependent on you to offer guidelines as to how you wished the case to be defended on behalf of the Populist Party. I also feel that some type of further fee retainer should be paid since the initial amount has been exhausted at this time.

If I cannot communicate with you and if I cannot reach some type of an agreement as to the payment of my fee, I will have no other choice than to file a motion to withdraw as counsel in the case. I would prefer not to do this, but I may have no other choice if I can obtain no cooperation.

Very truly yours,  
STOCKMAN & BEDSOLE

*Billy C. Bedsole*

BILLY C. BEDSOLE

BCB/rdf  
pc: Mrs. Faye Miller

91040324166

LAW OFFICES  
STOCKMAN & BEDSOLE  
2220 DAUPHIN STREET - BLDG. C  
MOBILE, ALABAMA 36608

June 9, 1987

SAMUEL L. STOCKMAN  
BILLY C. BEDSOLE

MAILING ADDRESS:  
P. O. BOX 8397  
TELEPHONE (71-4401  
AREA CODE (306)

Honorable William K. Shearer  
8158 Palm Street  
Lemon Grove, CA 92045

RE: Liberty Lobby, Inc., et al, vs. Miller, etc.  
Civil Action Number 86-0925-C

Dear Mr. Shearer:

On June 4, 1987, I wrote to you pointing out your refusal to communicate with me concerning the above styled lawsuit which is set down for a pre-trial hearing on Tuesday, July 14, 1987.

I have also demanded that you send me an additional \$1,500 as my attorney's fee for time to be spent on this case in representing Faye Miller, as treasurer of the Populist Party. Our original agreement was to the effect that you would pay on a monthly basis for my representation of Mrs. Miller as treasurer of the Populist Party. However, at the present time you have failed and refused to pay any monies other than the \$1,000 retainer initially received by me on November 1, 1986.

I would emphasize to you that if I do not receive communication and cooperation from you within seven (7) days, and if I do not receive a further payment of fees of \$1,500 within seven (7) days, I will most assuredly file a motion to withdraw.

This would leave the responsibility of defending the case on Faye Miller, and if she takes no action, a judgment would be granted in favor of Liberty Lobby and Cordite Fidelity Corp. against Mrs. Miller as treasurer of the Populist Party.

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William K. Shearer

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June 9, 1987

Please let me hear from you immediately.

Very truly yours,  
STOCKMAN & BEDSOLE



BILLY C. BEDSOLE

BCB/rdf

pc: Mrs. Faye Miller

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LAW OFFICES  
STOCKMAN & BEDSOLE  
2220 DAUPHIN STREET -- BLDG. C  
MOBILE, ALABAMA 36608

June 10, 1987

SAMUEL L. STOCKMAN  
BILLY C. BEDSOLE

MAILING ADDRESS:  
P. O. BOX 8297  
TELEPHONE 671-8401  
AREA CODE (336)

Mr. John M. Couture  
National Chairman  
Populist Party  
13131 West Janesville Road  
Hales Corners, WI 53130

RE: Liberty Lobby, Inc., et al, vs Miller, etc.  
Civil Action Number 86-0926-C

Dear Mr. Couture:

I am informed that you have been previously acquainted with the fact that I was retained by William K. Shearer to act as attorney for the Populist Party in the above styled pending lawsuit in the United States District Court for the Southern District of Alabama. In recent months I have been unable to communicate with Mr. Shearer concerning certain discovery deadlines and payment of attorney's fees for my services in this cause.

I now receive a letter dated June 8, 1987, from Mr. Shearer by which he states that he has resigned as officer and member of the National Committee and Executive Committee of the Populist Party of the United States and further states that he will no longer have any connection with the Liberty Lobby, Inc., lawsuit.

I have enclosed to you a copy of my previous correspondence to Mr. Shearer and I believe that they set out my position rather clearly.

To reiterate the circumstances, we have already allowed the dates to expire on which we were to examine the various documents in Washington DC and the cutoff date for discovery is June 19, 1987. There is also a pre-trial conference set

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June 10, 1987

for July 14, 1987, before Judge Cox, and one week prior to that time I am required to submit a pre-trial agreement setting out the stipulated facts, the evidence, the disputed and agreed issues, etc.

Needless to say, I was paid a retainer fee of \$1,000 when I was hired with an agreement that I would charge off same at the rate of \$150 per hour and with additional monies to be paid on a periodic basis. At the present time, I am requesting that an additional sum of \$1,500 be paid within seven (7) days to cover my additional time that I have expended plus a portion of the time which I will expend in the future.

If I do not receive these additional monies within the stated time frame I intend to file a motion to withdraw.

I attempted to contact you by telephone, but I also wanted to mail this correspondence to you.

Very truly yours,  
STOCKMAN & BEDSOLE



BILLY C. BEDSOLE

BCB/rdf  
Enclosures

pc: Mrs. Faye Miller

21040324170

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

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Box 211  
San Diego, CA 92120

Chairman  
JOHN M. COULTER  
13131 W. Lanesville Rd.  
Hales Corners, WI 53130  
(414) 425-181

Vice-Chairman  
MAUREEN SAFFAMAN

Secretary  
DON KIMBALL

Treasurer  
EAYE MILLER

Parliamentarian  
WILLIAM K. SHEARER

## IN REPLY ADDRESS:

Office of Treasurer  
1921 Summer Place Dr W  
Mobile, Al 36618

(619) 282-5614

March 2, 1987

Ms. Nancy Shearer  
Populist Party  
8158 Palm St  
Lemon Grove, Calif 92045

Dear Nancy:

The purpose of this letter is two-fold - to seek information and to re-establish policy regarding financial matters, namely

1. Please see that I get a copy of each invoice involved in the accounts payable discussed on teh Conference Call yesterday. This should include those invoices already paid by your Dad, as well as those which remain unpaid at this time. I would appreciate your bringing these copies to the Dallas meeting with you as I must have a record for the financial files.

Also, and most importantly, I call your attention to the fact that we are probably in violation of Federal Election Commission regulations, which I interpret to prohibit the payment of debts in this manner, as opposed to having the funds deposited in the Treasury and disbursed thereto. You'll remember we discussed this procedure on the other two occasions whereby he paid bills direct and was reimbursed by the Treasury - all without benefit of the funds having cleared through the Treasury and the payment thereto being directly accounted for. Todo otherwise, I interpret to be a violation of the FED regulations. Please do not disburse any other funds in this respect until such time as this matter is satisfactorily resolved.

2. I was simply appalled to find that matters pertaining to the finances, as well as other matters involving the Treasurer had been decided and acted upon without your even having mentioned them to me prior to the Conference Call.

a. Why would you make up an accounts payable list without even so much as inquiring as to whether or not there might be some obligations you were not aware of To further arbitrarily presume to "prioritize" the payments of these is just too much, Nancy. It is imperative that I ahve copies of the invoices you have and that you have copies emanating from this end before proper "priority" can be established -unless, of course, you can find some fairy godmother who is willing to donate enough to pay these debts - in which case, I should think, it would be fitting and proper that that person designate the priority of payment. But as long as the Committee is being held responsible for the ultimate payment of these debts, priority should be established on something other than your personal basis, don't you think? Also, without official opinion on this manner of handling payemnts, I must insist that monies for same be handled the same as any loan and/or contribution.

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ES

I prefer to believe that the unusual and unacceptable handling of these matters are a result of the immense stress you have been under, rather than an indication of future conduct of affairs pertaining to finances. We certainly do not need any more problems than already exist.

I am sending this to you - EXPRESS (at my cost) in order that you will have it in adequate time to make copies of the invoices before you leave for Dallas.

Sincerely,

*Faye*  
Faye

P.S. There are numerous other matters pertaining to the finances which we will have to clear up in the future - should an audit occur. However, I will get all of this together after Dallas.

21040324172

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

Mailing Address  
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San Diego, CA 92120

Chairman  
JOHN M. COUTURE  
13131 W. Janesville Rd.  
Hales Corners, WI 53130  
(414) 425-8181

IN REPLY ADDRESS:

(619) 282-5614

OFFICE OF TREASURER  
1921 Summer Place Dr W  
Mobile, Alabama 36618

Vice-Chairman  
MAUREEN SALAMAN

April 11, 1987

Secretary  
DON KIMBALL

TO: Nancy Shearer

Treasurer  
FAYE MILLER

FROM: Faye Miller

Parliamentarian  
WILLIAM K. SHEARER

RE: Information requested for financial files

Dear Nancy:

Attached are copies of two letters regarding the above mentioned which are self explanatory. You will notice that the latest of these letters - dated March 10 was mailed by Federal Express and must have reached you no later than March 11 or 12. To date - April 11 - I have not received either the requested documents, or so much as the courtesy of a note from you informing me as to when I could expect to receive this, or if, indeed, I am to receive it at all.

Certainly I can appreciate your being busy taking care of your mother, but this latest request for information was received before Donna's leaving and at a time when she was still being paid by the Party to conduct Party business; not to mention the fact that you have long been aware that certain of these documents were needed for my files here. In addition, we are not speaking of a task that would require an enormous amount of time.

As I have explained before, Nancy, it is absolutely imperative that the financial records of the Party be complete immediately, for obvious reasons. If you prefer, you can send the files you have - or the notebook, to me by UPS and I will copy them and return to you.

I will be out of town from April 13 to April 22 or 23rd and can be reached at (314) 394-6906 or (501) 537-4458. Please send this information so that I can have it upon my return and can get all the files up to date - either the copies or your files so that I can copy them.

I find it very distasteful to be forced to refer matters to the Executive Committee, but I simply cannot fulfill the duties of Treasurer if I am to suffer the total lack of cooperation from you that has prevailed for the past months. The fact that I have been critical of the lack of business like operation of the San Diego office should not cause matters to develop to the point where the Party and the Executive Committee are penalized. Apparently this must be your problem and the reason for your deciding to close communications between the two of us.

Faye  
*Faye*  
cc: Executive Committee

CERTIFIED - RETURN RECEIPT REQUESTED

91040324173

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

Mailing Address  
6065 Mission George Road  
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JOHN M. COLLIER  
13131 W. Lakeside Rd.  
Hales Corners, WI 53130  
(414) 475-8787

(619) 282-5614

Vice-Chairman  
MAUREEN SALAMAN

1921 Summer Place Dr W  
Mobile, Al 36618

Secretary  
DON KIMBALL

March 10, 1987

Treasurer  
FAYE MILLER  
Party Chairman  
WILLIAM K. SHEARER

Nancy Shearer  
Populist Party  
8158 Palm St  
Lemon Grove, Calif 92045

Dear Nancy:

Attached are checks to cover certain payments authorized by the Executive Committee as listed on your memo. The two invoices for Mission Office (#27968 and #4996) were missing - I did go ahead with the check for this account. Also, invoice from Southeast Data in the amount of 23.92 - no invoice number is notated on the statement - is also missing and was paid. I would appreciate having these invoices by return mail.

In the future please send the invoices which make up the statements, as statements from vendors are acceptable only when accompanied by the invoices.

Also, in this respect - in the past you will remember I have sent checks for payments whereas the invoices were supposed to come to me later. I do not have all of these invoices and have spent some 6 hours since yesterday matching up what invoices I have with the checks - and with not too much success. Inasmuch as you have kept a copy of all these invoices and Donna is there right now, I would appreciate your having her make copies of all the invoices you have ever sent to me. If possible, keep the ones paid by any one check together - in that way I can match total amounts to checks, rather than having to try to put invoices I have together to make up a amount - an impossible task considering that many are missing. It will be necessary that each and every check ever issued by the Party for payments is covered by back-up invoices should - or rather I should say WHEN - the FEC audits. Of course, there are some checks - payroll, your fee, rent, your Dad's equipment lease, which do not normally require an invoice. However, these are the only ones that I can think of right now which don't require back-up. In this regard, don't forget the invoices also for the first mailing that your Dad paid for and I reimbursed him direct in one total amount.

Too, regarding the letters of transmittal of funds. In the past on numerous occasions there were mistakes, much the same as we had yesterday on the most recent one. In the cases where these occurred I did not bother to bring these to your attention - and in some cases, I missed them and had debit and/or credit memos from the bank correcting them. However, in view of the fact that apparently

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Nancy Shearer - contineed

Page -2-

there has been mass confusion about the amount of money on hand, etc - such as enough to run the office until June, etc etc etc The fact that no one concerned seemed to want to believe my screaming about the shortage and the necessity for the cutting of expenses can only lend me to believe there was another set of records being kept by your office. That being the case, the difference in the amounts transmitted and deposited would become a major factor. On occasions there was no transmittal letter enclosed with the funds, and in other cases errors between the funds enclosed and the amounts notated on the letter. In each case I, of course, changed my records to reflect the correct amount of funds - even at that I even missed a few and had either debit and/or credit memos from the bank. You can see that this would greatly affect balances, as well as would the checks written here that you were not aware of, checks returned from the Payor's bank and never recovered in spite of my writing them. I can't think of a graphic example of this than Betty McConkey's and Kyle's. These returned checks, in the hundreds of dollars, include dear Mrs. Cranks's \$85.00 from the Chicago meeting - still a thorn with me.

However, I will be glad to give you a breakdown of these -compared to the transmittal letters- which will reflect in each instance what check amounts were not enclosed, etc. To do so, though, I must have a copy of all the tranmittal letters - To attempt to find out from this end just which ones I didn't have would be, for the most part, impossible.

I mention this now as Donna is there and can help you. That would appear to be better than to have all these to take care when you are left alone.

I had asked Mailboxes to sned me copies of their invoices since last July - that was before I ealized just haw many invoices I did not have. So you might give them a call and tell them you are sending the copies.

It is not necessary that these copies b<sup>e</sup> sent by FEDEX - I have just have a fear of not having everything in order when - and if - the FEC decides to audit. For that matter, it would be embarrassing to ahve any matter come up and things not be in order. What with the enemies we have out there anything can happen.

I am sorry I waited so long to get into this but some of these I was not aware I needed and the others just have had to be put in line behind the brush fires we have been fighting for the last year.

Also, please keep invoices in the future entirely separated from your personal purchases - again, I don't have to tell you, the FEC frowns on this

Sincerely

*Faye*  
Faye

P.S. Any check signed that you have should be voided - I cleared all the records as of the end of the Fiancnial Statements and consdiered any you have as Void in order to start a clean slate.

21040824175

*-WHEN IS AVAILABLE  
MAN [unclear]*

March 2, 1987

Dear Bill:

Perhaps I shouldn't write this letter at this time due to the pressures and problems you have. However, it appears things have deteriorated to the point where certain matters have to be laid out on the table. I had hoped, and thought, some of these could be left unsaid. However, the Conference Call yesterday removed any doubt in my mind that certain conduct could, or should, be further tolerated.

First and foremost, I do not believe you are knowledgeable of how the business in the S.D. office has been handled. Certainly you have some knowledge of the day to day activity but I find it impossible to believe that you know about and approve certain of the activities involved. Being fully aware that it is very difficult for any of us parents to accept the fact that a child can be in error, I am willing to take the chance of putting the following information before you. I hope you can accept this rather than dismiss it as "sour grapes" because I want Nancy's job, etc... an attitude that has been carefully planted in different circles. If you cannot accept this with an open mind, it will be a waste of your time to read further.

91040324176  
The following are facts that have, over a period of something like the past year left a "bad taste" in many peoples mind across the country, as well as in my own. Comments I have gathered over the past two weeks in calling across the country to try to get attendance in Dallas have, for the most part, been directed toward the fact that there is no answer to the telephone in the office a majority of the time, failure to respond to request for information and in some cases rudeness. Of course, you and I both know we can dismiss some of this. To dismiss a situation where some 80-90% of the people contacted have the same complaint is sheer folly. The majority of these people are not those we could consider our "enemy"; therefore, their attitude and the validity of their statement cannot be discounted.

I, personally, can attest to the fact that for the past year the service of the office has consistently been on a downhill slide. I am certain that the office phone was not properly taken care any more than 30-40% of the time. It not only was not answered, they did not even bother to put it on "call forwarding" or answering service. On other occasions, after trying from about 9 am your time, I would finally get an answer around 1 pm your time, and then a long dissertation on what all they had been doing. Surely, we should be able to expect one of the two to be available to answer the phone during the usual 8 hour business day. Of course, I am told repeatedly that no one ever called other/John and I. How in the world would you know who called if you were not there to answer the phone and did not have the answering machine on? On other occasions I have had Chandra answer and explain that both Nancy and her mother had gone to the post office, picking up supplies, etc. What kind of business policy is this? The people out in the field see the FEC reports - as some reminded me - and it is not difficult for them to figure out what it costs to run that office. This, in addition to the fact that Willis is constantly reminding everyone of anything he can think of has made for an almost intolerable situation and one which is going to be our downfall if we aren't very careful in the next year, Bill. How can you explain all this, Bill. For that matter why should any one of us be faced with the impossible task of trying to explain an operation in which we spent in excess of \$100,000.00 last year and now find that we have virtually no support in the field, outside of California, of course. I discussed this matter with Nancy on several occasion, only to get the nonchalant answer that no one ever called but John and I. I can assure you, that from the limited number of people I talked this past 2 weeks, there have been many people called and with a few exceptions, the above mentioned results.

For a brief run-down of the other matters I have discussed with Nancy, all of which pertain to the finances:

1. As far back as last summer I discussed, on several occasions, with Nancy the fact that we could not wildly spend money just because we had it in the Treasury - that it should be budgeted in such way that we got the most benefit from the amount spent and kept a reserve in the bank for monthly operating expense (determined to be approx 5,000. monthly). The discussion at that particular time involved her travel to the Regional Meetings. It was my opinion then, as now, that John could have handled these meetings, with a minimum amount of local help. If you remember, we have over a period of the past 18 years or so managed these affairs without any paid help. We could have used the several hundred dollars per trip that covered her expense. I was told by her that you had instructed her to go to these meetings and take care of them.

2. Extra labor for mailings - this one particular item showing up on the FEC reports has brought more comment than you can imagine. Again, had Nancy and Donna arranged their work schedules during the slack times to take care of certain preliminary mailing chores, then it would have been unnecessary to hire nearly as much extra help. This considering, of course, the fact that much of the mailing requirements were paid to the various companies, including collating, folding, etc. I realize that on certain occasions there was a heavy workload - but could not this have been anticipated and certain chores performed ahead of time when they obviously must have had considerable time on their hands - or if you use the telephone as a criteria, they weren't even in the office at all. Certainly there was not enough Party activity going on a daily or weekly basis to consume 80 man hours a week. The real shocker was, though the fact that Donna was paid overtime, even in addition to the fact that she was always paid a full 40 hour week. Again, this was done on what I was told was your recommendation.

3. Lease of Copier - the invoices from the Lessor show that we did not even reach the maximum 2,000 copies allowed under this lease. We did, in fact, pay \$180.00 a month and on different occasions had some 1,090, 1,508, etc copies - reduced down this amounts to 17¢, 12¢ a copy. This would in itself be rather expensive, but I believe we also purchased the paper, supplies, etc in addition to the lease amount for the machine service.

4. Last Fall when it became evident that the fund raising was not going to be the success we had hoped, I suggested to Nancy that Donna work only part-time. This, of course, went over like a case of the plague and I was reminded that you had contributed thousands of dollars worth of time to this cause, etc.... none of which addressed the issue at hand - that being we were fast running out of money with no prospect for replacing it. I supposed the real most astonishing episode occurred some few weeks ago when Nancy informed me that she had made reservations for Donna to go to Dallas, at Party expense. My objection to this only brought on another reminder of what California was doing for the Party and what you had done, and further that she (Nancy) wanted Donna to go and was not going without Donna. MY question of "what do you expect to happen when all the money is gone" was answered by "I'm gonna stay in California".

The above are only a few of the discussions Nancy and I have had pertaining to finances over a period of the last months. It never occurred to me that she was not discussing these with you as I had each time asked her to. I discussed these with John on occasions but I chose to have Nancy mention these to you inasmuch as you were so busy and she could more easily find a convenient time for discussion. Now I find on the Conference Call yesterday that you were totally unaware of these problems. Evidently, instead of discussing these matters with <sup>you</sup> and the critical condition of the money, she only told you what she wanted you to hear, including, but not limited to the fact that you and anyone else who would listen were told that I was not telling the truth

about the finances, that I was just trying to get the S.D. office out of operation, ad infinitum.

I mentioned some while back that if it became a reality that we were forced to close the office, that I would take care of everything here full-time rather than have a part-time operation in a crucial time - the year before election when we should be as highly visible as possible. I asked Nancy to have you call me regarding this. I felt we could "sell" the idea of moving the operation to a new location - because we wanted to - rather than try to "sell" moving it there, which more than likely will be interpreted for just what it is "we had to close up shop". In addition, I would have thought that would please you to have me take care of everything. Obviously, though, your confidence and trust in me has totally deteriorated, too.

Last, but not least, Bill - I certainly do not appreciate, nor will I tolerate Nancy's delving into the finances to the extent displayed yesterday on the Conference Call. The very idea that she would presume to have the authority to assemble an accounts payable and method of payment without so much as even having the courtesy to tell me about it, not to mention confer with me before hand is totally abominable and unacceptable. This flagrant arrogance on her part is just another example of that displayed across the country, of which I have just spoken above. The fact that I did not choose to raise any questions during the Call shall not be construed to mean I intend to tolerate such arrogance. My silence and tacit agreement simply means that I did not wish to make any waves with the new Board members present for the first time.

Further - MOST IMPORTANTLY - I believe we are in violation of the FEC regulations by handling the payment of these debts in this manner. I tried, as subtly as I could to delay any activity on this matter until such time as we could get an official opinion on this; however, that, too was profoundly ignored.

I am mailing this letter to you , as well as the one to Nancy, to you at your office. I do not want to send these to the house as I feared that Eileen might be home and would become aware of the problems existing.

Enclosed for your reference is a copy of the letter to Nancy, as well as a copy of my letter to John. Likewise, I am sending the same to John. I trust the 4 of us can handle this matter and keep it between us.

Sincerely,  
*Faye*  
Faye

P.S. I am sending this to you - Federal Express - not charged to the Party as I feel it imperative that you have this immediately, particularly the part pertaining to the FEC - as well as before we get to Dallas

MAILED March 2, 1987 FEDERAL EXPRESS

To:

William K. Shearer Attorney  
Wells Fargo Bank Bldg.  
101 W. Broadway  
San Diego, Calif 92101

1921 Summer Place Drive West  
Mobile, Al 36618

May 20, 1987

Dear Bill:

I am shocked that you would assume the position and attitude regarding the finances that you expressed in your telephone conversation. So, in another of my many endeavors to "keep the train on the track" I will reiterate the thoughts surrounding my, as you call it, "conduct". True, I have in the past followed your instructions. However, in this instance I feel my interpretation of the FEC regulations, audit procedures and intent of the motion of the Executive COmmittee is more correct than yours. I do not feel it prudent to follow your instructions for reasons outlined below:

1. You must remember that during the Executive Committee meeting in Dallas a motion was made and passed - and made by you, I believe - whereby only certain bills were to be paid. These "certain" bills were itemized by you and you spoke at length on the importance of adhering strictly to this list. I did not make notes on this, relying on the Minutes for guidance. I do not yet have a copy of these Minutes, even though some 6 weeks has elapsed since the March 7 meeting in Dallas. In addition to not having the Minutes to ascertain which of the \$1,244.98 bills mailed to me were on the list approved for payment, as I mentioned to you on the phone, certain of these are not properly documented for payment. By properly documented I mean there is no invoice, only statements. Perhaps in California an invoice is not required; however, down here in the South an accountant would certainly take exceptions to this. Likewise, I suspect the FEC auditors would comment unfavorably on this type of record keeping. INasmuch as the responsibility in both these instances rests on the person signing the check, suffice it to say that I do not wish to be placed in this untenable position. You must know that I have made every endeavor possible to elicit cooperation from the San Diego office in securing the records necessary to complete the financial files - records, I might add, that I was promised by Nancy each and every time I asked for them. The fact that I sent the checks before I secured the records is a weakness of mine in the past - not something that I have any intention of repeating from henceforth on. Why can't these records be brought up to date? These requests were made many months ago - and during a period of time when 80 man hours a week were being paid for, and during which time there is no doubt but that there was ample idle time in which either Nancy or Donna or both could have properly discharged this requirement. The excuse that Nancy is busy taking care of her mother just simply does not wash - we're not talking about a job that would require more than a total of less than 8 hours even if it had to have been done since Donna left the latter part of March. I have made every reasonable offer a person could be expected to make - including that I would make the copies at my expense if Nancy wold send me the loose leaf notebook in which she keeps a copy of everything - the same notebook she had in Los Angeles. I would be happy to make the copies and return the notebook and contents to her. Is there really some good reason why you all have chosen to be so obstinate?

2. Another matter that should be discussed and decided - again a need for the Minutes arises. Acknowledgement of debts and priority of payments is an absolute essential need - and I do not mean that priority is to be established by the San

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Diego office - a practice that seems to be in vogue insofar as the Populist Party is concerned. This, even to the point of sidestepping the Executive Committee members in the process of making the decision as to what expenses were due and payable and in what order payment should be effected. It has not been my experience in some 40 years in the business world, 35 of which has been spent closely connected with the accounting profession, that the officers of the Board, most particularly the Treasurer, is by-passed in the decision making process, in favor of an employee making the decision as what expenses have accrued, and in what order payment will be effected. (See my letter of March 2 to Nancy).

Which brings us to another matter deserving of comment. I mailed my personal check in the amount of \$1,000. - as I agreed in Dallas I would do - to Nancy somewhere around April 11. If you remember, she specified that I send this check to her and that she would return it to me for deposit. She did return it to me - some weeks later - at the same time she enclosed an additional \$456.18, a total of \$1,456.18 for deposit. And enclosed along with this deposit was bills totaling \$1,244.98 - all for expenses incurred in San Diego, for the San Diego office. If my math serves me correctly, after making this deposit, paying these bills, there would have been \$211.20 remaining. That is, assuming I was stupid enough to deposit my personal check into an account solely for the purpose of paying bills claimed to be "payable" for the operation of the S.D. office, bearing in mind that (1) these bills were not properly documented, (2) I had no Minutes to support any payment (3) last, but not least no mention or acknowledgement of the fact that there is outstanding payroll taxes (a priority item above everything except a first mortgage) possible -no, probably - additional attorney fees for the \$289,000 lawsuit here in Federal Court, and other items of obligations. Of course, it does not require a genius to understand that the only concern is the payment of bills for the S.D. office. Likewise, it would require less than the intelligence of an imbecile to have permitted personal money to be used thusly, even if all other factors were correct. Accordingly, I did not deposit my check; therefore, there was only \$456.18 deposited.

Insofar as your refusal to send the money contributed by others for the Populist Party because you don't appreciate my attitude, I believe the above clearly defines my position on the operational procedures of the Treasurer's office and further clearly explains the reason for the recent submittal of bills referred to by you in the telephone conversation not being paid. If, to secure from you the contributions made by others for the use of the Populist Party, entails my having to abide by your personal rules rather than those of the governing body, the FEC and professional propriety, then as I told you, you will have to assume the responsibility for your own actions.

Also, Bill, you speak eloquently of "fiscal responsibility" as if you have a monopoly on it. Further, that you are embarrassed by the bills of the Party not being paid promptly...let me remind you that, to my knowledge, none of this has ever cost you one penny. This does not negate the fact that you have spent time on party business, but I speak of your having lost money on Party affairs. That I could say the same...just this year it has cost me an additional \$1640.00 just to take care of my personal business - to clear titles

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on property which were clouded by the \$289,000 lawsuit with my name on it.. Perhaps you've forgotten that when this suit is heard, we will be faced with the fact that at the Executive Committee Meeting in Washing in November 1984 you yourself proposed a Resolution, which passed, accepting \$264,888.80 due Liberty Lobby and Cordite Fidelity Corporation...(I am reading from a set of the Minutes of this meeting, Page 8).

As I have told you when things have become "sticky" lately between you and I --- I hope we can keep this between the two of us and iron these matters out without any widespread knowledge of any differences.

Faye

21040324181

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
San Diego, CA 92108

Mailing Address  
6065 Mission Gorge Road  
Box 211  
San Diego, CA 92120

Chairman  
JOHN M. COUTURE  
13131 W. Janesville Rd.  
Hales Corner, WI 53130  
(414) 425-5181

Vice-Chairman  
MAUREEN SAMAMAN

Secretary  
DON KIMBALL

Treasurer  
LAME MILLER

Parliamentarian  
WILLIAM K. SHEARER

## IN REPLY ADDRESS:

Office of Treasurer  
Populist Party  
1921 Summer Place Dr W  
Mobile, Al 36618

March 2, 1987

Mr. John Couture  
Populist Party  
13131 W. Janesville Rd  
Hales Corner, Wi 53130

Dear John:

Attached is copy of letter to Nancy which is self explanatory. It was these matters that I wanted to discuss with you following the Conference Call yesterday.

John, aside from the fact that common courtesy would command that these matters be discussed prior to the Conference Call, I am most concerned about the possible violation of the Federal Election Code in handling the payment of debts by a second party on behalf of the Committee. Admittedly, my interpretation of legal statements is by no means the best, I do believe we should immediately, before any further disbursements, ascertain beyond a doubt that we are not violating the regulations of the FEC. I did not want to get into a discussion on this on the telephone and attempted to have the matter shelved until we got to Dallas, which would have given us time to determine the status of such payments insofar as the FEC is concerned. However, I only succeeded in getting nasty accusations about my motives. If you remember, there are references in the Interim Audit Report about Willis' entities having done such... and we have already had two incidents where Bill paid bills direct and were reimbursed by us. Each time I discussed this with Nancy and asked that it not be done again. Rather, that Bill loan the Committee money, we pay the bills and then repay him the loan. As it is, he pays the bills, we pay him and I seriously question that this will wash with the FEC. Without something more concrete on which to base our conduct, John, I am afraid I will have to disavow any connection with this and ask the FEC for help. This is, of course, certainly, not the most desirable way to handle this but I have no desire to assume any responsibility for conduct that I believe is counter to the regulations. Had I had any idea that Nancy was determining the payable of the Party and deciding to go ahead and pay them, I would have certainly added the few from here, but mostly I would have done my best to stop any payments until we could determine what was right and proper. She told me she was "prioritizing" the payments but little did I dream she was going ahead with payment. Maybe, you knew about this, but I knew nothing until the Conference Call - much to my displeasure. IN this respect, I note there was no mention made of the priority of any payment other than those owed in S.D., not even the payroll taxes and any provision for the payment of the attorney - should he bill anything extra - on the Carto lawsuit.

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John Couture - continued

Page -2-

Obviously Nancy has not mentioned the discussions she and I have had over the past year regarding finances to her Dad. Further, she must certainly have not mentioned anything to him pertaining to the two incidents whereby he paid debts direct - I cannot believe he would knowingly take any chances with any probable violation of the FEC Code. And if there has been any determination by the FEC on this, I am not aware of it.

I am sending this letter, along with copies of one to Bill and one to Nancy Express as I feel you should have this as soon as possible - most particularly that part pertaining to the FEC.

Sincerely,

Faye Miller

21040321183

March 11, 1987

Dear John:

Attached is copy of letter to Nancy which is self explanatory. The contents of this letter are typical of those communications she and I have had for almost a year now.

Attached also is copy of Alpha Graphics statement. You will note that on this statement there is a distribution as to users other than the PP. This is, however, courting problems as the FEC has made it plain they do not approve of this - in cases where Willis' entitites are reprimanded in the Audit report. We criticized Willis for this so-called commingling in our complaints, yet here we have continually done the same. Of course my insistence that we could not justify handling matters like this was met with the reply "Who gives a damn about justifying it".

You will see a copy of the invoice from Letter Kraft Printing - the latest that we paid. The obvious question arises - why are paying another firm for copies when we had a coping machine leased for \$180.00 per month and never used it for the maximum copies (2,000) that we were allowed under the lease. Admittedly, this is a small amount, but just one of the many examples of wantom spending by the S.D. office, of which there are many other examples, *and larger amounts*

I am sending this copy to you as you requested - hopefully, this will clear up the problems existing insofar as operational procedures are concerned. You would think, that with 80 man-hours a week being paid for and for the large part all mailing operations - folding, collating, label being affixed, etc being paid for to outside companies, we could, *have* expect at least to get cooperation in mailing invoicesto me. From here on, I absolutely refuse to pay one dollar until the invoice itself is in my possession. Nor will I pay another dollar for any future expense until such time as all the past invoices are in my possession. What with Donna there, with no apparent job to do, we could certainly expect her to make copies, could we not? I am indeed sorry I did not bring all this more forcefully to your attention before; however, I had faith in the fact that Nancy would cooperate if I kept complaining long enough and strong enough. Obviously, such was not the case, though. But with Bill's enormous help *(Fec)* that we could not pay for - and you did not have time for - I was hesitant to get into what I thought - and rightfully so - would be an unpleasant, no-win situation.

John, I hope you will keep this ocnfidential. I can see no point in rehashing it all if we can possibly avoid it. If this request does not solve the problems, then you and I will have to try to map a plan to handle it.

21040324134

4-2-87

Dear John:

I have just realized that I may not have sent you this letter along with the copy of the letter to Nancy - written March 11. If I didn't, I apologize.

Needless, to say I have not received any of the information requested in this letter to Nancy. I intend to wait a few more days before becoming, what will be interpreted I suppose as being obnoxious about this. But in view of the fact that we have requested a mountain of records from Willis for this court case, it only makes sense that he will, no doubt, reply with a like request for all our records. Such being the case, I do not intend to be left holding the bag so to speak, either with Willis or with the FEC. But the request we made - as you can see from the attached - will almost certainly anger Willis to the point where he, too, will be seeking documents - making it even more imperative that I have everything in tip top shape.

Of course, this is just another case of where friendship got in the way of conducting business properly. I realize now I should have conducted the business with Nancy the same way I did with Seipold. It just never occurred to me that she would take advantage of a friendship to this extent. Otherwise, I would never have been nice enough to send checks, etc. without proper documentation in my possession beforehand.

Faye

Faye

John - please keep this  
Confidential for the  
time being. Maybe,  
with a little luck,  
everything will be  
forthcoming, but  
with Donna gone, I'm  
real concerned about  
getting any cooperation,  
what with Nancy alone to  
do the necessary coping, etc

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of Treasurer  
1921 Summer Place Dr. West  
Mobile, Alabama 36618

August 19, 1987

Mr. John Couture  
13131 W. Janesville Rd  
Hales Corner, Wis 53130

Dear John:

Received your letter Monday, along with the contents, etc.

I am enclosing copies of the court documents regarding the lawsuit with Liberty Lobby and Cordite. Needless to say I don't have to explain the contents of the documents to you.

John, I feel it is imperative that we have a Board meeting right away in order that the members can be brought up to date on this suit, as well as the many other matters confronting us.

There is a serious question in my mind about the proper handling of the checks you sent and without a Board meeting I do not wish to assume the authority of making a decision such as this.

I am sure the Board members must have many questions regarding matters and I certainly don't wish to appear to be withholding information from them nor do I wish to make any business decisions without consulting with them.

I am sending this Federal Express as I will be leaving town the AM of the 30th of this month and won't return until after the holidays, probably the 9th of September, therefore your receipt of this letter the 21st will allow proper time for setting up a conference call.

I talked with Richard WEimer and he said he was mailing the Minutes today, the 19th. That will help.

Very truly yours,

Faye Miller

FEDERAL EXPRESS - August <sup>20</sup>~~19~~, 1987

21040324186

# THE POPULIST PARTY OF THE UNITED STATES

Administrative Office  
3435 Camino del Rio South  
Suite 318  
San Diego, CA 92108

Mailing Address  
6065 Mission Gorge Road  
Box 211  
San Diego, CA 92120

Chairman  
JOHN M. COUTURE  
13131 W. Janesville Rd.  
Hales Corners, WI 53130  
(414) 425-8181

**IN REPLY ADDRESS:**

Office of Treasurer  
1921 Summer Pl Dr W  
Mobile, Al 36618

Vice-Chairman  
MAUREEN SALAMAN

Secretary  
DON KIMBALL

September 16, 1987

Treasurer  
FAYE MILLER

Parliamentarian  
WILLIAM K. SHEARER

Mr. John Couture  
Populist Party  
13131 W. Janesville Rd  
Hales Corner, Wi 53130

Dear John:

In my letter of August 17 I made mention of some points that needed to be discussed. Among those items mentioned was the handling of checks you had forwarded to me at that time. Now, there has been an additional two checks for membership mailed from your office.

John, I am not sure just how these checks should be handled and I certainly do not wish to take it upon myself to make such a decision without consultation with the Executive Committee. Many of the checks you sent were "old dates", some as far back as April and May; therefore, these should not be laying here in my desk drawer.

I would appreciate your cooperation in these matters. I am sending this to you Federal Express in order that you will have this letter in your possession tomorrow (Thursday). Hopefully we can have a Board meeting very soon and dispose of the matters, most particularly that of the handling of these checks.

Very truly yours,

Faye Miller

P.S. I have not received the Minutes of the March 7 meeting that Richard promised would be mailed on August 19,. Without the Minutes I cannot file a complete FEC report as information from these Minutes must be included on this 6-30-87 Report.

91040324187

**DUKE, GERSTEL, SHEARER & BREGANTE**

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

WELLS FARGO BANK BUILDING

101 WEST BROADWAY

SIXTH FLOOR

SAN DIEGO, CALIFORNIA 92101

TELEPHONE - (619) 232-0816

1625  
RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

89 JAN 23 AM 11:02  
OF COUNSEL  
ANDREW A. KURZ  
ROSALIE SHANKS

MAILING ADDRESS  
POST OFFICE BOX 85470  
SAN DIEGO, CALIFORNIA 92138-8470

TELECOPIER - (619) 232-4661

*Handwritten:* Nov 27 19

January 18, 1989

CLIFFORD L. DUKE, JR.\*  
BRYAN R. GERSTEL\*  
WILLIAM K. SHEARER\*  
RICHARD D. BREGANTE  
STEPHEN V. RUPP\*  
JOHN S. HUISKAMP\*  
J. MICHAEL REED  
DAVID P. VARGAS\*  
ANDREW F. LLOYD  
DAVID T. PURSIANO  
DANIEL J. PERWICH  
JOYCE J. BURROWS  
ALAN R. JOHNSTON  
ANN M. McMENOMY  
ANNE M. BRAUDIS  
MICHAEL S. WOODLOCK  
BRYAN R. SNYDER  
KATYA L. NEWMARK  
DAWN R. BRENNAN  
CAROLYN J. BOOKSTAFF  
RAYMOND A. PATENAUDE  
ROBERT K. GOFF

\*A PROFESSIONAL CORPORATION

Robert Raich, Esq.  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Dear Mr. Raich:

Enclosed with this letter you will find an article which appeared at page 23 of the January 2 and 9, 1989 edition of "The Spotlight." You will note that the article states:

"To make Shearer's situation all the more pathetic, the Federal Election Commission has declared time and again in several legal documents that a fund raising entity under Shearer's exclusive control owes Liberty Lobby \$289,326.19 (plus interest), for which sums Shearer is himself personally liable."

I am aware of no such findings by the Federal Election Commission. Therefore, I request from you or some other responsible representative of the Commission the following:

1. A confirmation that the quoted statement made in "The Spotlight" article is either true or untrue.
2. If the statement is true, a copy of each and every document which supports the allegation in "The Spotlight" article.

I am aware that Liberty Lobby, et al. are involved in proceedings before the Commission which may be considered confidential by the Commission. Confidentiality, of course, may be waived by the respondent in any such proceeding. I

1 4 0 2 1 3 3

CO J 11 23 AM 1:57

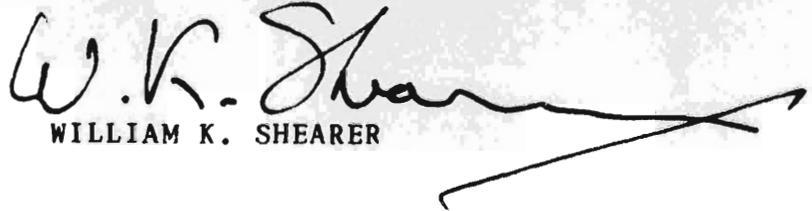
DUKE, GERSTEL, SHEARER & BREGANTE

Robert Raich, Esq.  
January 18, 1989  
Page two

cannot envision a greater waiver of confidentiality than publication of information pertaining to the proceedings in the respondent's own newspaper.

The prompt response of the FEC to this request will be appreciated.

Sincerely yours,

  
WILLIAM K. SHEARER

WKS:mcm  
Enc.  
2170K/18-19

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# Revitalized Populist Party

candidates and the state party leaders not only in ballot access efforts, but also in arranging campaign appearances, coordinating media and advertising, and doing the vital day-to-day work that kept the party going," said McIntyre.

## AIP Hits the Skids

By Richard V. London

Under the ineffective non-leadership of its self-appointed boss, the controversial William K. Shearer, California's American Independent Party is sliding into obscurity.

In this past election, the AIP's presidential candidate captured just 26,053 votes, a staggering 31 percent decrease from the 37,900 votes the party won in 1984 when it was affiliated with the national Populist Party.

In 1984, precisely because of its affiliation with the Populist Party, the AIP increased its vote totals by 25 percent over the number of votes won in 1980's presidential election.

But in 1988, the AIP won even fewer votes than it did in 1980, clearly indicating that Boss Shearer's stranglehold on the AIP (which he treats like a family fiefdom) is, in fact, a death-grip.

A small-time lawyer based in San Diego, Shearer tried repeatedly and unsuccessfully to wreck the national Populist Party, only to find himself entangled in a messy and embarrassing quarter-of-a-million-dollar lawsuit filed against him by Liberty Lobby, the Washington-based populist institution, which helped launch the new Populist Party in 1984.

To make Shearer's situation all the more pathetic, the Federal Election Commission has declared time and again in several legal documents that a fund-raising entity under Shearer's exclusive control owes Liberty Lobby \$289,326.19 (plus interest), for which sum Shearer is himself personally liable.

Shearer's many critics (and there are many) are eagerly awaiting the final results of the investigation and public trial of the enterprising Californian.

In preparing the case against Shearer, Liberty Lobby's legal team is examining Shearer's history very closely.

"What they uncover," said one longtime Shearer-watcher based in Alabama, "may reveal just what Bill Shearer has been up to for nearly 30 years."

According to Jim Yarbrough of Georgia, the Populist Party's national director for ballot access, "The bottom line is this: Bill Shearer's days in the third party movement are over. Nobody takes him seriously anymore. Bill's jig is up."

Yarbrough noted the tragedy of the AIP in California. "It's the only ballot-qualified patriotic 'third' party in the largest state in the union—a state where ballot qualification is exceedingly difficult. Thanks to George Wallace's campaign, the AIP has been on the ballot since 1968, but due to Bill Shearer's incompetent mismanagement—call it 'sabotage' if you will—it has never made any headway, except when it was affiliated with the Populist Party.

"Ultimately," added Yarbrough, "we expect that Shearer will be tossed out of the

The chairman pointed out that a half-hour campaign commercial featuring David Duke was aired on three television stations: WVUE in New Orleans, WOR in New York and WGN in Chicago. Both WOR and WGN air all over the country

via cable TV systems; 25 percent of all households receive WOR; 30 percent receive WGN.

### TREMENDOUS

"The response to the show was tremendous. Some 500 people called Populist Party headquarters after viewing David's commercial," said McIntyre. "while over 600 others wrote to party headquarters to request more information.

"This shows the kind of support we can generate if we can just get the word out. Had we been on more ballots and had more money to spend," the chairman added, "there's no doubt in my mind that

we would have captured nearly a million votes.

"David Duke and Floyd Parker were great team," McIntyre said, "and we honored that they chose to run on the Populist ticket. They worked their hearts during this campaign and made many friends in the Populist Party and are the nation. We owe them both a great thanks."

McIntyre announced that the Populist Party will hold its annual national committee meeting in Chicago on the weekend March 3-5. Full details will be available in the near future.

## RADIO FREE AMERICA



The Talk Show for Intelligent Americans  
Your Host, Tom Valentine



Since its beginning on July 17, 1988, Tom Valentine's two hour daily talk show has beat all records for sustained listener interest and valuable information. Tom has had guests of all sorts, from the political, scientific, health and business fields.

You can hear Tom every day\* on North America One satellite radio—Satellite Galaxy 2. Transponder 2 6 2 Audio. If you do not have receiving equipment, you can purchase cassette tapes or have your own satellite antenna installed.

Look at this partial and incomplete list of programs already aired:

August 30—Attorney Russell Mohrker author of "Corporate Crime and Violence," examined misdeeds of big business.

August 31—Edwin Vieira Jr. director of the National Alliance for Constitutional Liberty alleges that there may be no gold in Fort Knox.

September 1—Dr. Bill Shevin, president of the National Center for Homeopathy, discusses the medical monopoly's attempts to stifle homeopathic treatments.

September 9—Broadcasting from Nashville during the national convention of the Satellite Broadcast Communications Association, host Tom Valentine discussed developments in the satellite industry.

September 6—David Merton, editor of the "Satellite Times," and Conrad Schadel, manufacturer of a new "flying saucer" receiver dish, review the current state of satellite broadcasting.

September 8—Health authority Dr. Jonathan Wright explains why he prescribes vitamins, minerals and other natural items rather than powerful drugs and medicines.

September 13—A debate between populist host Tom Valentine and Larry Holmes, presidential candidate of the (Communist) Workers World Party. Other guests included Jim Yarbrough, spokesman for the Populist Party, and Richard Winger, Libertarian Party ballot access authority, discussing the need for passage of H.R. 1582 to ease restrictions on third parties.

September 21—Wayne Williams, president of the National Transportation Safety Association, a private organization of pilots, airline attendants and mariners, discussed airline safety. Henry

Spallone, vice mayor of Yonkers, New York, discussed how he and his fellow citizens are fighting court-mandated desegregation.

September 22—Galen Winsor, nuclear physicist, discussed the Johnson medical epidemiologist debate on nuclear power.

September 26—Pro-life leader Ronks Ruppel, a woman, discussed the growing anti-abortion movement, and how it is being followed by Cuban exile leader Felipe Rivero of Miami, who is discussing the Cuban situation today.

September 28—Sex education programs are destroying the minds of America's children according to psychologist Dr. Marvin Anchel.

October 3—Monetary scientist Peter Cook discusses abolishing the Federal Reserve and the income tax.

October 5—Ida Honoroff, author of "Report on the Summer Newsletter" discussed the dangers of vaccinations and toxins.

October 6—The substitution of oil with ethanol and methanol was discussed with David Lindahl, director of the pesticide program for the Department of Energy.

October 11—Dr. Robert Strecker revealed that his research proves that the AIDS virus is man-made.

\*Friday's program emanates directly from Washington, D.C., featuring Vince Ryan, acting chairman of the National Security Policy, Trisha Kelson, Liberty Lobby's legal director, and other notable personalities.

Charlie Walters, editor of "Action," discussed the one-hour program on North America One. Walters is the country's leading proponent of natural health care, strongly opposes the use of chemical pesticides, and is a resident of New York City. His program will be aired from New York City. It will be of interest not only to those concerned with holistic health and natural living.

**NOTE:** If you wish to discuss details about erecting your own antenna, call Larry Wyman, President, North America One, at (608) 647-6387



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January 18, 1989

\*A PROFESSIONAL CORPORATION

Robert Raich, Esq.  
Federal Election Commission  
999 "E" Street, N.W.  
Washington, D.C. 20463

Re: MUR 2719

Dear Mr. Raich:

As counsel for Nancy Shearer, and on my own behalf, this letter will inform you that we desire to enter into an effort at conciliation of the matters alleged in MUR 2719.

Please contact me at your earliest convenience so that we may discuss the matter.

With kindest personal regards, I remain

Sincerely yours,



WILLIAM K. SHEARER

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Enc.  
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FEDERAL ELECTION COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)

MUR 2719

DECLARATION OF WILLIAM K. SHEARER  
IN RESPONSE TO COMPLAINT

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FEDERAL ELECTION COMMISSION

I, WILLIAM K. SHEARER, declare that:

1. I was elected and served as parliamentarian and a member of the National Executive Committee of the Populist Party from on or about August 18, 1984 through June 8, 1987, at which time I resigned.

2. In my capacities as parliamentarian and executive committee member, I was not in charge of the day-to-day operations of the committee, nor did I seek nor would I have accepted such an assignment for a number of reasons. First, this task, under the bylaws, was the responsibility of the chairman. Second, during the time I served on the executive committee, and as parliamentarian, I conducted a busy law practice which, by itself, precluded my accepting responsibility for management of committee operations on a day-to-day basis.

Third, in July, 1986, I was hospitalized due to an injury to my foot, which had developed into osteomyelitis, and for which surgery was performed at that time, with a portion of the bone being removed from the foot. This operation left me partially handicapped so that I have spent much of the subsequent years on crutches, or in a wheelchair. I have had two subsequent surgeries to the foot, one in June, 1987; the other in October, 1987.

Fourth, on February 21, 1987, my wife was terribly injured in a fall which left her left leg broken at the femur, her knee shattered, and the ligaments torn. She was hospitalized from the date of the injury until early March, 1987, during which time she underwent surgery to reconstruct

the leg and knee, and was again hospitalized in July, 1987, at which time she underwent a second surgery to reconstruct her leg. She was unable to walk during much of 1987, was bedridden from the time of the injury until sometime in May, 1987, and again for a period following her second surgery in July.

3. In June, 1985, my daughter, Nancy Shearer, who had expressed an interest in the Populist Party, was hired by Fred Seipold, then chairman, as administrator of the party office in Phoenix, Arizona. In September, 1985, John Couture became chairman of the party, and the administrative office was moved to San Diego, California, by action of the executive committee. Also, by executive committee action, Nancy Shearer's employment, as administrator of the national office, was continued. She served in this capacity during 1987 until her resignation on or about July 31, 1987.

4. During the period from March, 1985 through the remainder of my service on the executive committee, Faye Miller, served as treasurer. She established and administered the committee's only bank accounts at one or more banks near her residence in the Mobile area of Alabama.

5. As a member of the executive committee, I was one of those who insisted that all funds be deposited in and disbursed from accounts under control of the treasurer. This, of course, presumed a competent treasurer doing his/her job. This is particularly important where there is a logistical problem of operating an office in Arizona or California, while the bank accounts are in Alabama.

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As a member of the executive committee, I was aware of certain problems pertaining to Mrs. Miller's conduct of her office as treasurer. She was very jealous of her prerogatives, which is defensible as long as one's conduct is tempered with reason and common sense. Mrs. Miller, however, exhibited a paranoia in her conduct of affairs which, in my view, frequently exceeded the bounds of reason. She is an extremely vindictive person when crossed in any way, and, in my opinion, she misused her office to make difficult the jobs of those administering the national office, and to embarrass those whom she disliked. I first observed this in her relationship with Fred Seipold when he was chairman, and, later, in her relationship with my daughter, Nancy.

Mrs. Miller's failure to timely file reports with the Federal Election Commission resulted in the party having to pay a \$2,000 fine, or, in the alternative, spend even more money in litigation. She admitted to me that she was not always prompt in depositing contribution checks transmitted to her from the national office. In some half dozen cases, this resulted in the bank's refusal to honor checks which she had written to creditors causing the party, and me, some embarrassment. Some of the checks which were not honored were for payroll, and to printers with whom I regularly do business on my own account. I can document each of these events if necessary. In each case, the checks were subsequently made good by her.

In spite of these problems, I continued to support Mrs. Miller as treasurer because I believed her to be loyal to the committee, and I believed that the treasurer should administer the party's bank accounts.

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6. In January and February, 1987, my daughter, Nancy, informed me that the certain expenses of the national office had not been paid, and that she believed that Mrs. Miller did not have sufficient funds in the Populist Party account to pay the bills for essential services, including payroll, telephone, postage, office supplies, etc. I confirmed from Mrs. Miller that there was not enough money in the party account to pay the bills, some of which needed immediate attention to avoid interruption of services to the party such as telephone service. All of the bills were for services which the executive committee, including Mrs. Miller, had authorized as regular expenses of doing business at the national office. So that services to the party would not be interrupted, I paid those bills, listed in my answer to Interrogatory No. 6, which have payment dates of January and February, 1987. I discussed the matter with Chairman John Couture, told him I would loan this money to the committee, and that I would also make a contribution to the committee. We agreed that the details would be worked out at the forthcoming national executive committee meeting in Dallas, Texas, in early March, 1987. Meanwhile, services to the party were uninterrupted. The absence of party funds with which to pay the bills was confirmed by the financial report presented by Mrs. Miller at the Dallas meeting, a copy of which is attached hereto as Exhibit "A".

7. On the evening of March 6, 1987, the executive committee met in Dallas, Texas. At the meeting, Nancy presented to Mrs. Miller and the committee written back-up for

the bills I had paid. The committee voted unanimously, including Mrs. Miller, to authorize the payments which had been made, and to consider the expenditures a loan by me to the committee.

8. On the afternoon of March 8, 1987, the executive committee again met in Dallas. At this meeting, Nancy presented to Mrs. Miller and the committee a list of pending obligations of the committee. This information became a part of the basis for several motions, which were adopted, to pay bills, and authorize continuing expenses of the national office. All of these motions were adopted by unanimous vote, including that of Mrs. Miller.

At the meeting, I agreed to loan the committee \$4,000, including the \$2,639.60 which I had already paid out on their behalf. At the meeting, I wrote a check payable to the Populist Party for the remainder of the loan, \$1,360.40, and gave it to Mrs. Miller for deposit. She turned it over to Nancy, asking that the check be transmitted to her as part of Nancy's post meeting report. This was done a few days later, and Mrs. Miller deposited the check in the Populist Party bank account which she administered. A copy of the check is attached hereto as Exhibit "B".

At the meeting, I further promised to make a contribution of \$1,000 to the committee which would offset \$1,000 of the \$4,000 loan. Mrs. Miller also agreed to contribute \$1,000 to the committee. She presented a check to Nancy for inclusion in Nancy's report, and Nancy sent the check back to Mrs. Miller in Alabama for deposit in the Populist Party account.

At the March 8 meeting, I offered to attempt to secure some contributions from California party members to be used for continuing operational expenses of the national office.

9. After our return to California from the national committee meeting, Nancy continued to act as administrator on a volunteer basis in accord with the resolutions adopted by the executive committee at the Dallas meetings. Most of her time, however, was spent attending my injured wife who required full time care. In April, I undertook to raise money for the committee from California party members. I represented to the contributors that the funds would be used for the purposes approved at the Dallas executive committee meetings. I received funds in response to my solicitations as set forth in my response to Interrogatory No. 2. The checks were all made payable to the Populist Party by the contributors, and it was my intent to transmit them to Mrs. Miller for deposit in the Populist Party account.

10. In April, Nancy submitted bills for continued operation of the party to Mrs. Miller for payment in the belief that adequate funds were in the Alabama account of the Populist Party to pay the bills. The bills were all for continuing expenses of the committee as approved by the executive committee.

11. In late May, the bills still had not been paid by Mrs. Miller. I spoke with her about the matter by telephone. She informed me that there were not sufficient funds in the account to pay the bills, and that she had no intention of paying them anyway. She was very critical of Nancy, and was

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personally insulting to me. My efforts to reason with Mrs. Miller were unavailing and the conversation ended in an impasse.

12. I subsequently learned that the reason funds in the account were inadequate to pay the bills was because Mrs. Miller had, without informing anyone of the fact, withdrawn and not deposited her \$1,000 contribution. This fact is confirmed by the letter dated May 20, 1987, addressed to me, a copy of which Mrs. Miller caused to be delivered to the FEC on or about May 20, 1988. I regarded her withdrawal of her contribution as a breach of good faith both as to me, to other contributors, and to the committee.

In her letter to the FEC, dated January 11, 1988, Mrs. Miller completely misrepresented my conversation with her when she states: "He stated he would not send them (contributions I had collected) to me unless I agreed to pay those debts he chose." What I asked her to do was pay the continuing bills authorized by the executive committee. This is what she refused to do.

13. In late May and in June, 1987, I was shocked to receive information that Mrs. Miller was not loyal to the committee; that she was collaborating with agents of Willis Carto of PPDC, who, on behalf of Liberty Lobby and Cordite Fidelity Corporation, had filed a suit against PPUS, of which Mrs. Miller and I were officers and executive committee members. The Liberty Lobby suit had been filed in the Federal District Court for the Southern District of Alabama, and sought a judgment against PPUS in a sum in excess of \$289,000. The

executive committee of PPUS was defending against this lawsuit. Mrs. Miller was the named Defendant in her capacity as Treasurer of the committee.

My concerns about Mrs. Miller's loyalty were confirmed. On June 23, 1987, without the authority or approval of the committee, she confessed to a judgment against PPUS in the sum of \$289,326.19, plus interest and attorney fees. A copy of the statement and Confession of Judgment and Judgment are attached hereto as Exhibit "C".

I first learned about the judgment from an article in the "The Spotlight", published by Cordite Fidelity Corporation, on July 27, 1987. A copy of the article is attached hereto as Exhibit "D".

The October, 1987 edition of "The Populist Observer," a publication of Willis Carto's Populist Party group, quoted Michael Piper of "The Spotlight" as saying that "he especially disliked having to criticize Mrs. Faye Miller of Alabama, Shearer's Treasurer, who was secretly working on 'our side.'" A copy of the pertinent pages of "The Populist Observer" is attached hereto as Exhibit "E".

Schedule "B" of the report filed with the FEC for the period ending December 31, 1987, shows that Mrs. Miller paid the last \$16.02 of the money in the PPUS account (except for \$4.47 consumed by bank service charges) to Liberty Lobby and "The Spotlight" on the judgment she had engineered contrary to the clear policy position of the executive committee of PPUS. A copy of Schedule B and pertinent pages from the report are attached hereto as Exhibit "F".

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These facts, I believe, explain Mrs. Miller's otherwise inexplicable conduct in the period of February-June, 1987.

14. Because I was unable to secure a commitment from Mrs. Miller that the contributions I was soliciting would be used to pay the authorized bills of the committee, I took the matter up, by telephone, with Chairman John Couture. I asked him to attempt to resolve the impasse. He was unable to do so, and so informed me. I suggested several alternatives, one of which was removal of Mrs. Miller as treasurer. The Chairman did not call a meeting for this purpose, and I believed that, in light of his failure to resolve the problem, the situation would only continue to deteriorate. Consequently, on June 8, 1987, I resigned my positions as parliamentarian and executive committee member of the Populist Party. A copy of my letter of resignation is attached hereto as Exhibit "G". In resigning, I offered to help Chairman Couture in resolution of certain financial problems of the committee, because I was not attempting to evade my duty to the party, its contributors, or legitimate creditors. My resignation was predicated on my beliefs that:

(a) The contributions I had solicited would not be used by the treasurer for the purposes approved by the committee, and which uses had been represented to the contributors;

(b) The treasurer was refusing to pay the committee's legitimate creditors, which was a source of embarrassment to me, and contrary to the actions taken by the executive committee on March 8, 1987; and

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(c) The chairman was not prepared or able to lead in taking the necessary steps to replace Mrs. Miller as treasurer.

At about this time, I was also informed by my physicians that I must have further surgery on my foot; my wife was still incapacitated; my law practice required my full-time attention; and I had no desire to spend weeks and/or months in frustrating and destructive quarreling with Mrs. Miller. Therefore, I resigned.

15. I intended to immediately return to the contributors the checks I had received, but on June 12, 1987 I was hospitalized for further surgery on my foot. More bone was removed, and when I was released from the hospital on or about June 15, 1987, I was confined to bed, unable to walk, for two weeks. As soon as I was able to return to my office, on or about July 2, 1987, I returned the checks. Nine days earlier, Mrs. Miller had engineered the judgment against the party for Liberty Lobby and Cordite Fidelity Corporation.

16. At the time I resigned as parliamentarian and a member of the executive committee of the Populist Party I was concerned about certain financial matters pertaining to the committee operations, which needed to be resolved in order to keep faith with contributors and creditors of the committee. I offered to assist Chairman Couture in the resolution of these problems, which included: (a) the committee's promise to provide premiums to contributors, which commitment had been made as part of a membership solicitation mailing in late 1986 (medallions, newsletters); (b) payment of the remaining bills

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arising from the operation of the California office of the Populist Party; (c) making of the contribution I had promised to the committee, and repayment of the loan I had made to the committee; and (d) being certain that there would be a public record of the bills paid. In order to be sure that there would be a public report of the expenditures, I determined to pay the bills through Operation Outreach, which files disclosure reports with the FEC and the State of California. My concern was clearly justified, since in the reports which Mrs. Miller filed with the FEC, subsequent to January 1, 1987, she refused to file information known to her about my loan transaction with the committee, and the expenditures which I had made on behalf of the committee in January and February, 1987, which expenditures the committee and she had specifically approved at the March 6 meeting of the executive committee in Dallas, Texas. The minutes of the March 6 and March 8 meetings of the executive committee disclose that Mrs. Miller had full knowledge of the loan transaction, was the recipient of my check for a portion of the loan, a check which she deposited to the party account, but did not account for in her reports to the FEC. Attached hereto as Exhibit "H" are copies of my June 16, 1987 letters to Chairman John Couture, confirming the arrangement I made with him to assist the committee in the resolution of the above-designated problems. The one-page transmittal letter explains the final transaction from my personal account on the party's behalf, a payment to Pacific Telephone dated June 16, 1987, which is listed in my response to Interrogatory No. 6 at page 2. The three-page letter

attached hereto as part of Exhibit "H" contains the specific provisions of the agreement which I reached with Chairman Couture. Attached hereto as Exhibit "I" is a three-page letter to me from Chairman Couture, dated June 16, 1987, confirming our agreement.

17. I honored each of the commitments which I made in my letter of June 16, 1987. The premiums were provided to the contributors. The creditors were satisfied. Each of the payments made by Operation Outreach, as set forth in my response to Interrogatory No. 6, was reported in the report of receipts and disbursements made by Operation Outreach to the FEC for the period from July 1, 1987 through July 31, 1987, with the exception of the January 16, 1988 payment to Federal Express, which was reported in the Operation Outreach report to the FEC for the period from January 1, 1988 through March 31, 1988. Copies of the pertinent pages of the Operation Outreach reports are attached hereto as Exhibit "J".

18. Except for honoring the commitments which I made in my letter to John Couture of June 16, 1987, I have not further participated in any activity of the Populist Party. Any such allegations by Mrs. Miller, in the documents she filed with the FEC, are untrue. Mrs. Miller was a recipient of a copy of my letter of resignation from the committee on or about June 8, 1987. From on or about mid-May, 1987, Mrs. Miller has never contacted me to request information for the filing of reports with the FEC, or for any other purpose.

When I resigned from the executive committee, I did so because I did not want further responsibility for its

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activities. Therefore, I did not attempt to participate in further meetings of the committee.

19. I have examined the reports made by Faye Miller to the FEC for the periods from January 1 through June 30, 1987, July 1 through December 31, 1987, January 1 through March 31, 1988, and April 1 through June 30, 1988, and the letters of explanation which accompanied these reports, as provided to me by the FEC. Attached hereto as Exhibit "K" is a copy of the report filed by Mrs. Miller for the January 1 through June 30, 1987 period. This report (unchanged in the subsequent reports) shows that:

(a) Mrs. Miller did not file information with the Commission known to her with regard to the loan I made to the committee. She secured full details about this loan at the Dallas, Texas meetings of the executive committee on March 6 and 8, 1987. This fact is confirmed by the minutes of these meetings.

(b) Mrs. Miller did not report receipt and deposit of my check for \$1,360.40, although she received this check in March of 1987, and deposited it to the Populist Party account as is evidenced by Exhibit "B" hereto.

(c) Mrs. Miller did not report the expenditures I made on the committee's behalf in early 1987, although full information with regard to the payments was presented to her in March of 1987, and she voted

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to approve the expenditures, along with other members of the executive committee, at the meeting of March 6, 1987.

(d) Mrs. Miller betrayed the committee which she served as treasurer by confessing judgment against the committee, contrary to the wishes of the committee, and without any authority from the committee to confess the judgment. She then proceeded to pay funds from the committee's account to Liberty Lobby and "The Spotlight" in support of the judgment which she had confessed.

(e) After making the payment from the committee's bank account to Liberty Lobby and "The Spotlight", Mrs. Miller closed the account, failing to maintain a depository for funds of the committee, which she was required to do as treasurer. The fact that she had closed the account is confirmed by her letter of May 19, 1988, addressed to Brian Hancock of the FEC. A copy of the letter is attached hereto as Exhibit "L". Thus, when Mrs. Miller received the last funds from the San Diego office of the Populist Party, some time between August 6 and August 19, 1987, she had already closed the party account in which the checks should have been deposited.

It would be hard to envision a greater betrayal of one's trust to a committee than that which was evidenced by Mrs. Miller, and I believe I acted appropriately to protect the committee and its legitimate creditors and contributors.

20. At no time did I refuse to provide Mrs. Miller information needed by her for preparation of reports to the FEC. The record reveals that she did not report the information which was provided to her.

Had I transmitted the checks which I received from Californians to Mrs. Miller, there is a strong probability that these funds would have been turned over to Liberty Lobby and "The Spotlight". No result could have been more odious to the contributors, nor more contrary to their intent. In returning the checks to these contributors, I protected them from a misuse of their funds. I do not believe it is the intent of the law, nor compatible with one's duty, to turn funds over to a treasurer whom he has good cause to believe will misappropriate the funds.

At no time did I ever deposit a check made out to the Populist Party to any bank account in any other name, nor did I ever establish any bank account in the name of the Populist Party.

By taking the course I took, I was able to make certain that the legitimate creditors of the committee were paid, that a public report of these expenditures was made, that the wishes of the contributors were honored and that the contributors to the committee received the premiums which had been promised to them. If I had not acted in the manner in which I did, I do not believe that any of these legitimate objectives would have been achieved.

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At no time was any sum paid by me or at my direction on behalf of the Populist Party for any purpose which was not an authorized purpose of the committee.

Executed on January 18, 1989, at San Diego, California.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct; that Declarant knows the foregoing facts to his own knowledge, except as to those matters which are set forth on information and belief, and as to those matters Declarant believes them to be true; and if called as a witness to testify to the facts contained herein, Declarant is competent to do so.

  
WILLIAM K. SHEARER

21J40824208

Exhibit "A"

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RECEIPTS & DISBURSEMENTS

POPULIST PARTY OF THE UNITED STATES

As of March 1, 1987

RECEIPTS

Memberships, contributions, assessments,  
sales of merchandise, interest earned  
(Net - less any checks returned by  
contributors and not recovered) \$ 55,715.

CASH ON HAND - at 1-1-86  
(from previous period) 58,004.

TOTAL CASH AVAILABLE \$ 113,719.

EXPENSES

Advertising \$ 6,228.  
Attorney fees (Carto suit) 1,000.  
Computer mailing upkeep 1,510.  
Election expense 391.  
Equipment lease 1,946.  
Extra labor 1,455.  
Federal Election penalty 2,000.  
Fund raising expense 9,364.  
Los Angeles meeting 4,486.  
Mailing expense 1,721.  
Miscellaneous 134.  
Office salary and fees 37,104.  
Office supplies 3,157.  
Payroll tax 613.  
Postage 3,740.  
Printing 14,014.  
Regional meetings expense 7,916.  
Rent 3,297.  
Resale items purchased 400.  
Telephone 4,633.  
Travel 8,605.

TOTAL EXPENSES 113,714.

BALANCE ON HAND \$ 5.

91040324210

**Exhibit "B"**

91040324211

WILLIAM K. SHEARER  
EILEEN M. SHEARER  
8160 PALM ST. 619-460-4484  
LEMON GROVE, CA 92046

March 8, 87 3983

PAY TO THE  
ORDER OF

Populist Party

\$ 1860<sup>00</sup>/<sub>100</sub>

One thousand three hundred sixty and <sup>00</sup>/<sub>100</sub> DOLLARS

 Bank of America  
Hillcrest Office 0194  
P. O. Box 3099  
San Diego, CA 92103

*William K. Shearer*

MEMO

loan

⑆ 12200066 ⑆ 3983 - 01948 - 00530 ⑆

⑆ 0000136040 ⑆

21040324212

MR 87 10  
MAR 10 1987  
FEB 11 1987  
01-118  
061

MR 87 12  
MAR 12 1987  
PAY ANY BANK, P.E.S.  
BANK OF AMERICA, NT & SA  
LOS ANGELES, CA 92

FOR DEPOSIT ONLY

12200066

3983-01948-00530

**Exhibit "C"**

91040324213

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LIBERTY LOBBY, INC., a non- )  
profit corporation, et al., )

Plaintiffs, )

vs. )

CIVIL ACTION NO. 86-0925-C

FAYE MILLER, as Treasurer )  
of the Populist Party of )  
the United States, an )  
unincorporated association, )

Defendant, and )  
Third Party Plaintiff )

vs. )

POPULIST PARTY, INC., )  
a corporation, )

Defendant. )

STATEMENT AND CONFESSION OF JUDGMENT

I, Faye Miller, Treasurer of the Populist Party of the United States, above-named defendant, hereby confess that the Populist Party of the United States is justly indebted to Liberty Lobby, Inc. and Cordite Fidelity, Inc., above named plaintiffs, in the sum of \$ 289,326.19.

This confession of judgment is for debts justly due and owing from the Populist Party of the United States to the plaintiffs for goods and services furnished to the Populist Party between March 1984 and December 1984.

I hereby authorize the clerk of the United States District Court for the Southern District of Alabama, Southern Division, to enter a judgment in the Court in favor of Liberty Lobby, Inc. and Cordite Fidelity, Inc. and against

91040324214

me, Faye Miller, as Treasurer of the Populist Party of the United States, for the sum of \$ 289,326.19, with interest at 12 per cent per annum from December 31, 1984, the sum of \$ 5,500.00, plaintiffs attorney's fees in this cause, and costs.

Dated June 23, 1987.

Faye Miller  
FAYE MILLER, pro se

STATE OF ALABAMA )  
                          )  
COUNTY OF HOUSTON )

Executed before me this 23rd day of June, 1987.

Kresia A. Lowers  
Notary Public

Commission expires: 3/22/90

21040324215

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LIBERTY LOBBY, INC., a non- )  
profit corporation, et al., )

Plaintiffs, )

vs. )

CIVIL ACTION NO. 86-0925-C )

FAYE MILLER, as Treasurer of )  
the Populist Party of the )  
United States, an )  
unincorporated association, )

Defendant. )

MEMORANDUM OPINION

Defendant Faye Miller has filed a "Statement and Confession of Judgment" (Doc. #22) to which plaintiffs have consented (Doc. #23). The court is of the opinion that final judgment should be entered in favor of plaintiffs and against defendant Faye Miller, in her official capacity as Treasurer of the Populist Party of the United States, an unincorporated association, in the amount of \$289,326.19, plus attorney's fees of \$5,500.00, plus interest and costs. Accordingly, the court will by separate document enter final judgment in the case.

DONE this 26<sup>th</sup> day of June, 1987.

  
UNITED STATES DISTRICT JUDGE

JUN 28 REC'D

31040321216



**Exhibit "D"**

9 1 0 4 0 3 2 4 2 1 8

# Judge Puts an End to Divisive

By Michael Collins Piper

A federal district court judge has handed down a ruling that has put an effective end to William K. Shearer's



FAYE MILLER

... Exposed Shearer's scheme.

San Diego, California-based fund-raising operation.

This ruling constitutes a lethal blow to the joint and separate efforts by Shearer and Iowa promoter Betty McConkey to wreck the national populist movement.

"This is a great victory for the Populist Party," said Tom McIntyre in an exclusive interview with The SPOTLIGHT.

McIntyre is national chairman of the Populist Party's national executive committee, which is headquartered in Pittsburgh.

On June 26, Judge Ernest R. Cox of the southern division of the U.S. District Court for the Southern District of Alabama, issued a judgment against Shearer's entity.

The judge ordered Shearer's outfit to pay Liberty Lobby, the Washington-based populist institution, \$289,520.17 for services rendered to Shearer's organization during the year 1984. These services included the use of monthly lists owned by Liberty Lobby, which Shearer subsequently handed over to Miss McConkey and which she utilized in an aggressive fund-raising drive that nearly wrecked the national populist movement.

(Cox also ordered the San Diego operation to pay Liberty Lobby interest on the amount due, as well as attorneys fees

incurred in pursuit of the judgment.)

Liberty Lobby brought suit against Shearer and his group when it became apparent that the Californian was engaged in a deceptive effort to subvert the Populist Party. Shearer initially moved to derail the suit. However, when he saw that the court was about to come down hard on his organization, Shearer threw in the towel, refused to continue paying the lawyer who was defending his group, and even went so far as to resign as parliamentarian from his own so-called executive committee, leaving the remaining members of the committee, including his hand-picked chairman and faithful yes-man, John Couture, to fend for themselves.

## RUN FOR COVER

Shearer ran for cover when he realized that Faye Miller, the treasurer of the committee, was about to blow the whistle on the numerous financial and political shenanigans that she witnessed on the part of Shearer and his daughter Nancy, whom Shearer had installed as the highly paid administrator of the San Diego operation.

Most of the credit for the turn of events that led to Shearer's embarrassing rebuke in the federal courts belongs to Mrs. Miller, who, until recently, believed Shearer to be a trusted friend.

Mrs. Miller was elected national treasurer of the Populist Party in the



BETTY McCONKEY

... Ally of William K. Shearer.

spring of 1985 following the death of her husband, then-Treasurer Emmett Miller, a respected figure in the "third party" movement. Mr. and Mrs. Miller had been friends with Shearer for nearly 30 years. Shearer played this longtime

ADVERTISEMENT

## 'Armageddon' and Nuclear War

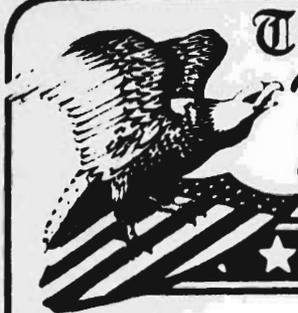
Have you ever wondered why America's leading televangelists lobby Congress for

## THE GENEVA BIBLE

The Geneva Bible, first printed in 1560 and reprinted 200 times until the last printing in 1644, was the *only* Bible used by the Pilgrims of 1620, John Bunyan, John Milton, Oliver Cromwell, William

Exhibit "E"

91040324220



# The Populist Observer

VOICE OF THE POPULIST PARTY

No. 21

October 1987

# Populist Party: We Want Hansen!

## *Convention Big Success*



Over 160 Populists from nearly 35 states gathered in St. Louis Labor Day Weekend of 1987 for the Populist Party's nominating convention, and all agreed on one thing: "We want George Hansen!"

The Hansen for President idea started slowly --- beginning when the *Populist Observer* endorsed George in a November, 1986 editorial --- but quickly gathered steam. By March of this year, Hansen was the keynoter at the Populist Party unification meeting in Pittsburgh, where a prolonged "Hansen for President" rally took place after his dynamic speech. Hansen himself told the crowd in Pittsburgh that he was willing to serve as the Populist Party standardbearer "until you find someone better" as he modestly put it.

Well, it is obvious that there is no one better than the long-suffering populist hero, and so George Hansen was unanimously chosen as the Populist Party's 1988 Presidential nominee. That was the verdict of the voting delegates from 26 states, who also chose Hubert Patty of Tennessee as the party's 1988 Vice-Presidential nominee.

### FRIDAY: THE PATRIOTS ASSEMBLE

Most of the attendees arrived at the Holiday Inn convention site in St. Louis on Friday, September 4th. Party Treasurer Phil Chesler manned the registration table.

21040324221

more donations if it is to function at more than a bare subsistence level.

Next up was Executive Director Don Wassall, who gave a report on the 30 state affiliates of the Populist Party. The rapid increase in affiliates from just three earlier this year, when the party re-formed in the wake of the Shearer shearing, to the present 30 is one of the strong points of the party, Wassall said.

In addition, each state chairman present was asked to stand and say a few words about the progress of the party in his state. The state chairmen present at the convention were: Ralph Forbes, Arkansas; Billy Chandler, Arizona; Howard Fields, Colorado; Dr. Robert Fand, Connecticut; Jeff Wilkerson, Florida; John Justice, Illinois; Al Learned, Indiana; Jerry Pope, Kentucky; Pete Godlove, Maryland; Bill Mahler, Michigan; Phil Chesler, Missouri; Hark Schau, New Jersey; A.J. Barker, North Carolina; Jim Willis, Oklahoma; Don Wassall, Pennsylvania; Tom Parker, Texas; and Michael C. Piper, Washington, D.C.

#### AFTER LUNCH

At this point the convention broke for its luncheon banquet, consisting of ham and roast beef sandwiches.

After lunch, Michael C. Piper, Assistant Editor of *The Spotlight*, and well-known national populist leader, told



Populist Party Secretary Jerry Pope reports to the conventioners.

everyone how he had regretted all the bad news he had reported about the Populist Party the last couple years. Unfortunately it had all been necessary, due to the maneuvering of California strongman William K. Shearer, the defeated foe of the Populist Party of America.

Piper said he especially disliked having to criticize Mrs. Faye Miller of Alabama, Shearer's Treasurer, who was secretly working behind the scenes on "our side." It was Mrs. Miller who blew the whistle on Shearer, an act of courage which ended a 25-year friendship with the

strongman.

Mrs. Miller was then introduced. She told the appreciative audience that "my heart has been in the right place for 30 years," and that "I'm now on the right road."

Next to speak was Brian Christie, a coal miner and decorated Vietnam veteran. Christie is one of five Populists



Farmer Keith Shive of Kansas gives a fiery speech.

running for office in Pennsylvania, four of whom drove to St. Louis for the confab.

Christie made a stirring pitch for help. The three candidates in Armstrong County need volunteers to travel to Pennsylvania to distribute literature the week leading up to the election, the impassioned young candidate told the audience.

The heartfelt plea hit home. A collection was taken up, which Pennsylvania chairman Wassall pledged would be matched by the treasury of the Pennsylvania PP. A total of \$685 was collected, which when matched, means almost \$1,400 was generated for the campaign of Armstrong County candidates Christie, Don Erdley, and Woodie Kirkwood.

Farmer Keith Shive, former chairman of the Populist Party of Kansas, spoke next on the problems his fellow farmers are facing in America today. Shive speaks from the heart, and his remarks were timely and constructive.

#### CANDIDATES SPEAK

Now it was time for the Presidential candidates present to address their fellow patriots. Hubert Patty, a Constitutional attorney from Tennessee, spoke first. Patty, who has much political experience from running several times in state-wide races as a populist Republican, assured the convention thron of his complete affinity to the platform of the Populist Party.

Next was Arkansas populist Ralph Forbes, who gave a moving talk. "The people who founded this country were God's special, selected people," said Forbes.

Anyone who reads and understands *The Spotlight* would make a better President than anyone the Democrats and Republicans are offering, Forbes told the group.

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**Exhibit "F"**

21040324223

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

FEC

4

USE FEC MAILING LABEL  
ON  
TYPE ON PRINT

1. NAME OF COMMITTEE (in full)  
 C00201343 120787  
 FAYE G MILLER  
 POPULIST PARTY OF THE UNITED S  
 TATES  
 1928 SUMNER PLACE DR W  
 MOBILE AL 36618

EBF 11-11 3:40

2. FEC IDENTIFICATION NUMBER  
 C 00201343  
 3.  This committee qualified as a multi-candidate committee DURING THIS Reporting Period on \_\_\_\_\_ (date)

### 4. TYPE OF REPORT

4.  April 15 Quarterly Report  
 July 15 Quarterly Report  
 October 15 Quarterly Report  
 January 31 Year End Report  
 July 31 Mid Year Report (Non-election Year Only)  
 Termination Report
- Monthly Report Due On  
 February 20  June 20  October 20  
 March 20  July 20  November 20  
 April 20  August 20  December 20  
 May 20  September 20  January 31
- 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 \_\_\_\_\_
- (b) Is this Report an Amendment?  YES  NO

### SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5. Covering Period <u>7-1-87</u> through <u>12-31-87</u>		
6. (a) Cash on Hand January 1, 19 <u>87</u>		\$ 11,154.22
(b) Cash on Hand at Beginning of Reporting Period	\$ 127.49	
(c) Total Receipts (from Line 18)	\$ 284.00	\$ 13,616.45
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 411.49	\$ 24,770.67
7. Total Disbursements (from Line 28)	\$ 407.02	\$ 24,766.20
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 4.47	\$ 4.47
9. Debts and Obligations Owed TO the Committee (reference to Schedule C and/or Schedule D)	\$ See notes on	For further information contact: Federal Election Commission 999 E Street, N.W. Washington, D.C. 20543 Tel: (202) 418-4135 1-800-438-3030
10. Debts and Obligations Owed BY the Committee (reference to Schedule C and/or Schedule D)	\$ Schedules	

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

Name of Candidate or Treasurer:  
 Faye G Miller

3 P 0 4 0 0 3 4 2 4 2 9 8 4

MODULE B

ITEMIZED DISBURSEMENTS

See separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1  
FOR LINE NUMBER 28

All information 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 an, political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)

POPULIST PARTY OF THE UNITED STATES

23 03450042A425

A Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
C/O IRS Atlanta, Ga	Payroll taxes Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	7-6-87	127.00
Federal Election Commission HQ Washington, D.C.	Offer of conciliation Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	10-27-87	264.00
Liberty Lobby/Spotlight Washington, D.C.	Payment on judgement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)		16.02
Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for <input type="checkbox"/> Primary <input type="checkbox"/> 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 <input type="checkbox"/> Primary <input type="checkbox"/> 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 <input type="checkbox"/> Primary <input type="checkbox"/> 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 <input type="checkbox"/> Primary <input type="checkbox"/> 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 <input type="checkbox"/> Primary <input type="checkbox"/> 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 <input type="checkbox"/> Primary <input type="checkbox"/> General Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

SUBTOTAL

TOTAL

**Exhibit "G"**

91040324226

**WILLIAM K. SHEARER**  
8158 PALM STREET  
LEMON GROVE, CA 92045

June 8, 1987

Mr. John M. Couture, Chairman  
Populist Party of the United States  
13131 West Janesville Road  
Hales Corners, WI 53130

Dear John:

I have not heard from you since our telephone conversation of last Tuesday morning. Therefore, I presume that the situation with Mrs. Miller is at an impasse, and that neither of my suggested resolutions of the problem are satisfactory.

That being the case, I have no assurance that the contributions which I have solicited from others for placement in her hands will be used to retire the obligations to creditors for which the funds were contributed.

Under the circumstances, I have no recourse save to resign the office of Parliamentarian, and my membership on the National Committee and Executive Committee of the Populist Party. You may consider this letter my resignation from each of these positions effective immediately. I will take no further part in the making of any decisions for or on behalf of the Populist Party, nor will I assume any responsibility for such decisions.

As I mentioned to you on the telephone, Mr. Bedsole, the Alabama lawyer, has attempted to reach me by telephone, and I presume that he wishes to discuss the Liberty Lobby suit against the party. I have written Mr. Bedsole and advised him to contact you for direction. A copy of my letter to him is enclosed.

I realize that the party has a number of unresolved financial problems, but I believe I have done more than my fair share in attempting to solve these problems. When I talk to you I will be prepared to propose a reasonable resolution of this and other problems. I am currently preparing a list of the remaining problems known to me, and will be contacting you this week to discuss these matters including the substantial loan which I made to the party on or about March 7, 1987, and which has not been repaid.

Meanwhile, I have returned to the contributors all of the contributions which I solicited for the party, since I cannot be sure that they will be used for their intended purpose.

21040324227

Page 2

I regret the necessity of this letter, because I appreciate you, and have enjoyed working with you, and my other friends on the National Committee and the Executive Committee, in the effort to build the Populist Party. Life is too short, however, to put up with abuse and duplicity from Mrs. Miller.

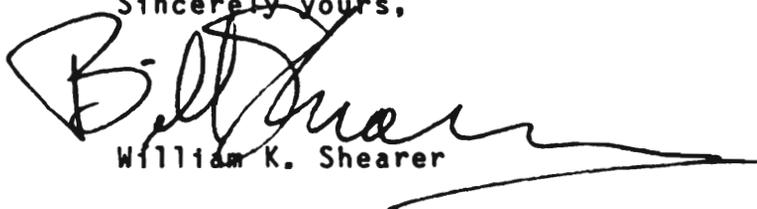
While writing, I should make two additional points.

First, this letter is not intended to affect the membership status of the American Independent Party of California in the National Committee of the Populist Party. Membership in the National Committee is a decision made by the American Independent Party's State Central Committee under the election laws of the State. My resignation is personal to me, alone, and is not intended to reflect or influence any past or future action of the State Central Committee with regard to national committee membership.

Second, this letter is not submitted for purposes of pressure. My decision to resign was not easily reached, but having been made, it is not revocable. I shall be going into the hospital, this week, for further surgery on my foot, and, because there is more infection, I cannot be sure of the length of the hospitalization, or the recuperation period. Eileen is still incapacitated from her injuries, and, from a personal standpoint, I am not in a position to take on any more responsibilities, particularly those involving threats and attempts to annoy, harass, and embarrass me by a person who has a duty equal to my own to seek constructive resolution of the party's problems, but who refuses to honor that duty.

I wish you and the Populist Party success, and genuinely regret that I am no longer able to serve.

Sincerely yours,

  
William K. Shearer

CC: All members of the national Executive  
Committee, Populist Party of the United States

Nicholas W. Kudrovzeff, State Chairman,  
American Independent Party

21040324228

**WILLIAM K. SHEARER**  
8158 PALM STREET  
LEMON GROVE, CA 92045

June 8, 1987

Billy C. Bedsole, Esq.  
Stockman & Bedsole  
3280 Dauphin Street, Bldg. C  
Mobile, AL 36608

Dear Mr. Bedsole:

This letter will inform you that I have resigned as an officer, and member of the National Committee and Executive Committee of the Populist Party of the United States.

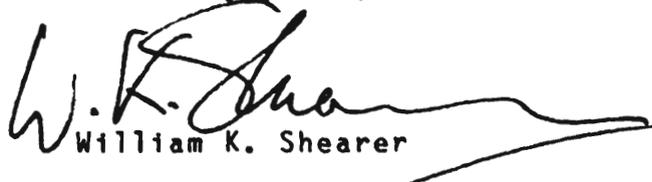
I am aware that you attempted to reach me by telephone, last week, but I am preparing to go back into the hospital for further surgery, and have been extremely busy in taking care of matters concerning my practice which must go forward during my hospitalization.

John M. Couture is the National Chairman of the Populist Party, and an attorney. He may be reached at 13131 West Janesville Road, Hales Corners, Wisconsin 53130, (414) 425-8181. Please contact him for further guidance from the Populist Party as to the Liberty Lobby law suit in which you represent the party.

If, at any time, there is information available to me which will assist you in the party's defense, be assured of my cooperation in providing it. However, I will not be making or participating in any further decisions of the party with regard to the law suit, or any other matter, and will assume no responsibility for any such decisions of their consequences.

With kindest personal regards, I remain

Sincerely yours,

  
William K. Shearer

CC: John M. Couture

91040324229

**Exhibit "H"**

91040324230

**WILLIAM K. SHEARER**  
**8158 PALM STREET**  
**LEMON GROVE, CA 92045**

June 16, 1987

Mr. John M. Couture, Chairman  
Populist Party of the United States  
13131 West Janesville Road  
Hales Corners, WI 53130

Dear John:

Enclosed please find two original copies of the letter of understanding which we agreed upon in our conversations of June 13 and 15, 1987. Please execute one of the documents and return it to me. Keep the other for the party's records.

This letter will also inform you that, pursuant to the agreement, I have advanced \$456.79 to pay the old phone bill, and another \$90.00 to assure transfer of calls to your number for the next six months. I had to take care of this myself, because the service would have been ended without the forwarding before I could make the Operation Outreach arrangements.

Upon your return, Nancy will work out with you the completion of her duties, and the disposition of the remaining materials of the Populist Party.

Also enclosed you will find the communications from Bedsole which we discussed.

Trusting that you are having a most enjoyable trip, and with best personal wishes, I remain

Sincerely yours,

  
William K. Shearer

91040324231

**WILLIAM K. SHEARER**  
8158 PALM STREET  
LEMON GROVE, CA 92045

June 16, 1987

Mr. John M. Couture, Chairman  
Populist Party of the United States  
13131 West Janesville Road  
Hales Corners, WI 53130

Dear John:

This letter will confirm the understanding which we reached by telephone on Saturday, June 13, 1987, and reaffirmed in our telephone conversation, last night, June 15, 1987, by which I have agreed to take certain steps to assist the Populist Party in resolving some of its present financial problems, and, in return, the party agrees to relieve and indemnify me from any further responsibility for the past, present, and/or future obligations of the party.

I have agreed to do the following:

1. Provide you with \$500, through Operation Outreach of the American Independent Party, to pay, for the medallions which were promised to certain contributors to the Populist Party;
2. Pay, through Operation Outreach, the remaining bills of the California office of the Populist Party, in the approximate sum of \$2,000;
3. Provide, without charge to the Populist Party, the California Statesman newsletters for a one year period to all those who contributed or pledged to the Populist Party in reliance on the promise that a newsletter would be mailed to them each month;
4. Contribute to the party \$1,000 of the \$4,000 which I loaned to the party, this year, with said contribution to be offset against the loan;
5. Purchase from the Populist Party, at its original purchase price of \$443.57, the office furniture of the party in California, which sum is to be offset against the \$4,000 loan which I made to the party.

91040324232

In return, you, on behalf of the Populist Party, have agreed to:

1. Relieve me of, and indemnify me from any further obligation for past, present, or future obligations of the Populist Party, including but not limited to any payroll taxes which may be owed by the party to State and/or Federal government agencies, and any legal fees and expenses in connection with the law suit now pending in Federal Court in the Southern District of Alabama [Liberty Lobby, Inc., et al, v. Miller, etc., Civil Action No. 86-0925-C];

2. Provide me with sufficient medallions to meet the party's obligation to the contributors; [Nancy and I will see to their distribution to the contributors with an appropriate letter from you].

3. Provide me a letter to those entitled to receive the Populist Party newsletter, explaining that they will be receiving the Statesman in lieu of the Populist Party newsletter;

4. Promptly substitute yourself, or another attorney of your choice, in my place in the pending Federal Election Commission proceedings involving the Populist Party;

5. Repay, on a reasonable payment schedule which we will negotiate, the remainder of the loan I made to the party in the sum of \$2,556.43;

6. Indemnify me from any loss I may suffer, including attorney fees, fines or penalties, as a result of any legal actions initiated against me by any person or entity as a result of this agreement, or my performance of obligations under this agreement.

Because you will be out of the country until July 9, 1987, and some of the obligations of the party which I have agreed to satisfy are pressing, we have agreed that I will go forward immediately with my part of this agreement; that you will send me an interim authorization to proceed; and that you will execute a

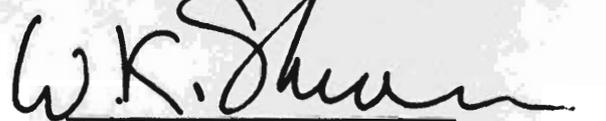
21040324233

Page 3

copy of this letter of understanding and return it to me promptly upon your return to this country. You have been informed and understand that I will be expending funds in accord with the commitments herein during your absence, and in good faith reliance on your promises to me as set forth in this document.

Thank you for your cooperation in reaching this accommodation.

Sincerely yours,

  
William K. Shearer

The letter of understanding set forth above fully and completely states the terms of the agreement which I have entered into, on behalf of the Populist Party of the United States, with William K. Shearer, and I affirm that I have been authorized by the party's Executive Committee to execute this agreement on behalf of the Populist Party of the United States.

Dated \_\_\_\_\_

\_\_\_\_\_  
John M. Couture, Chairman

21040324234

**Exhibit "I"**

9 1 0 4 0 3 2 4 2 3 5

COUTURE and ROFFA

*Attorneys and Counselors at Law*

JOHN M. COUTURE  
CARLTON ROFFA

13131 W. JANESVILLE ROAD  
P.O. BOX 207  
HALES CORNERS, WIS. 53130  
PHONE (414) 425-8181

June 16, 1987

Mr. William K. Shearer  
8158 Palm Street  
Lemon Grove, CA 92045

Dear Bill:

Pursuant to our telephone conference of June 14, 1987, please be advised as follows:

1. Cordite Fidelity et al vs. Faye Miller, et al. We are seeking to keep Attorney Bedsole as the Party attorney in the captioned matter at least through the pre-trial date of July 14, 1987, and will make other arrangements, if necessary, following that date. If he insists on withdrawing prior to such date, I've prepared brief memo for Faye to present to the Court requesting a postponement.

2. Medallions. My secretary, Dawn Hall, is alerted to receive funds and acquire medallions. She can attend to mailing out same if you send list of purchasers. American Coin (Bill Spencer 414-637-7766) will tell her how to wrap and mail. We locked in price today at \$7.90 delivered to us.

3. California Populist Party Creditors. I hereby grant you authorization to pay the California creditors of the Party from the monies which were collected through your separate personal efforts for the purpose of paying Party obligations. I am not aware of any legal impropriety in your having made such collection through, or in attributing such collection to, the fund raising division or committee of the California AIP, the Populist Party's California affiliate, which division or committee is known as "Operation Outreach", and I hereby authorize payment through said arm of our National party's California state affiliate. Certainly the national party will, and hereby does, indemnify you from any claims, demands or causes of action as might be asserted on account of any alleged impropriety in the collection or expenditure of such funds.

4. NewsLetter. I appreciate and gratefully accept your offer to substitute the "Statesman" for the news letter that has been pledged to be mailed monthly to certain defined members of the Party.

5. Telephone. I will appreciate your making such arrangements as may be necessary to cancel our telephone subscription in the San Diego office and have the callers advised that "The new number is 414-425-8181", or to approve such other call forwarding method as will accomplish such purpose.

91040324236

Mr. William K. Shearer  
June 16, 1987  
Page 2

6. Mail. I understand that you will arrange to have all mail forwarded, at least for the time being, to: P. O. Box 207, Hales Corners, WI 53130. Such address, which may include the street address (13131 W. Janesville Road) is my office address.

7. Mailing List. I understand that this, too, will be forwarded to my said office address. However, I am concerned to discuss computer capability, etc. re this and will do so on my return from Europe.

8. FEC Representation. I understand that you will wish to have new counsel substituted for you as attorney for the Party in this matter. Inasmuch as the real work involved here appears to have been completed by you, I can probably serve as Counsel in the conclusion of this matter.

9. Your Loan to Party. I recognize the Party's obligation to you for a loan of \$3,000, less monies received for furniture (which you would retain) in the sum of \$443.57, for a net loan balance of \$2556.43. The Party will seek to discharge this obligation at the earliest possible date.

10. Payroll Taxes. I understand that you consider payment of these taxes a Party obligation for which you bear no responsibility. I have no quarrel with this position.

I am sure we can get caught up on any loose ends, Bill, shortly following my return from Europe on July 9th. Needless to say, and as you know, I deeply regret your decision to submit your resignation. If you can see fit to alter your decision, I am certain that everyone concerned will be delighted. You have at all times been a tower of strength to the organization and your official absence will be sorely missed. If you feel that you are unable to alter your decision, however, I know that I, for one, can and will seek your unofficial counsel.

In the meantime, I trust all of the Party officers and Board members will stand firm and steady in their respective roles. I wish to hold a telephone conference call with the Board shortly after my return and, as I discussed with you, I wish to bring a quiet new approach to the unification and strengthening of the entire third party movement. Mine is a phased plan and the first phase involves just a handful of people. If that phase succeeds, I believe the second phase will, also; and if the second phase succeeds, we will have a real opportunity to bring to fruition the organizational unity, and a national recognition of that unity, which has so long eluded us.

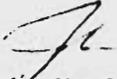
In any event, my best wishes for your future. I hope your foot is restored to total normalcy and that you, Eileen and Nancy have an abundant share of happiness over the coming years. Lord knows, you've all earned it! However, if my judgment of human nature and personalities hasn't gone totally awry, the happiness of all three of you is found in challenge, accomplishment and victory! Therefore, even though withdrawal from the stormy political seas to a quiet island of peace and contentment has an almost irresistible pull

21040324237

Mr. William K. Shearer  
June 16, 1987  
Page 3

for nearly all of us, if I know the Shearer family-- and I think I do-- you are just knocking a few barnacles off the boat before you plow back into those seas! I hope so. We'll be waiting and, hopefully, with the armada determined to win and all headed in the same direction.

Warmest personal regards,



John M. Couture

JMC/dmh

21040324238

**Exhibit "J"**

91040324239



# DETAILED SUMMARY PAGE

of Receipts and Disbursements  
(Page 2, FEC FORM 3X)

Name of Committee (in full)	Report Covering the Period	
OPERATION OUTREACH of the AMERICAN INDEPENDENT PARTY	From: 7-1-87	To: 12-31-87
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
11. CONTRIBUTIONS (other than loans) FROM:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	5,718.34	5,718.34
(ii) Unitemized	0.00	0.00
(iii) Total of contributions from individuals	5,718.34	5,718.34
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	5,718.34	5,718.34
12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES	0.00	0.00
13. ALL LOANS RECEIVED	0.00	0.00
14. LOAN REPAYMENTS RECEIVED	0.00	0.00
15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)	0.00	0.00
16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0.00	0.00
17. OTHER RECEIPTS (Dividends, Interest, etc.)	0.00	0.00
18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	5,718.34	5,718.34
II. DISBURSEMENTS		
19. OPERATING EXPENDITURES	2,162.16	2,162.16
20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES	0.00	0.00
21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES	0.00	0.00
22. INDEPENDENT EXPENDITURES (use Schedule E)	0.00	0.00
23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)	0.00	0.00
24. LOAN REPAYMENTS MADE	0.00	0.00
25. LOANS MADE	0.00	0.00
26. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs)	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	0.00	0.00
27. OTHER DISBURSEMENTS	0.00	0.00
28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)	2,162.16	2,162.16
III. NET CONTRIBUTIONS/OPERATING EXPENDITURES		
29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	5,718.34	5,718.34
30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))	0.00	0.00
31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	5,718.34	5,718.34
32. TOTAL OPERATING EXPENDITURES (from Line 19)	2,162.16	2,162.16
33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)	0.00	0.00
34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)	2,162.16	2,162.16

31040321241

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1  
FOR LINE NUMBER

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)

OPERATION OUTREACH of the AMERICAN INDEPENDENT PARTY

CO0137554

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mailbox etc U.S.A. 6065 Mission Road San Diego, California 92120	Postoffice rental box and postage Disbursement for: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	495.76
Letter-Kraft Printing 3135 Lemon Grove Avenue Lemon Grove, California 92045	Assorted stationery Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	219.34
Alphgraphics Print Shop 4242 Camino del Rio North San Diego, California 92108	Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	286.42
Nancy Shearer 8160 Palm Street Lemon Grove, California 92045	Air Travel Expense Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	102.65
William K. Shearer 8160 Palm Street Lemon Grove, California 92045	reimbursement - Pacific Bell Telephone Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	546.79
John M. Couture 13131 West Janesville Road Hales Corner, Wisconsin 53130	Reimbursement Silver medallions Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	7/21/87	500.00
Irene E. Maggio 1021 N. Sweetzer Avenue #10 Los Angeles, California	Reimbursement Photo copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	12/24/87	4.73
D I T T O	Reimbursement Certified mail Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	12/24/87	6.47
	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL of Disbursements This Page (optional) .....

2,162.16

TOTAL This Period (last page this line number only) .....

2,162.16

91040321242



# DETAILED SUMMARY PAGE

of Receipts and Disbursements  
(Page 2, FEC FORM 3X)

Name of Committee (in full)	Report Covering the Period	
OPERATION OUTREACH of the AMERICAN INDEPENDENT PARTY	From: 1-1-88	To: 3-31-88
I. RECEIPTS	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
<b>11. CONTRIBUTIONS (other than loans) FROM:</b>		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A)	0.00	0.00
(ii) Unitemized		
(iii) Total of contributions from individuals		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	0.00	0.00
<b>12. TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES</b>		
<b>13. ALL LOANS RECEIVED</b>		
<b>14. LOAN REPAYMENTS RECEIVED</b>		
<b>15. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)</b>		
<b>16. REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>		
<b>17. OTHER RECEIPTS (Dividends, Interest, etc.)</b>		
<b>18. TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)</b>	0.00	0.00
<b>II. DISBURSEMENTS</b>		
<b>19. OPERATING EXPENDITURES</b>	174.00	174.00
<b>20. TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES</b>		
<b>21. CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES</b>		
<b>22. INDEPENDENT EXPENDITURES (use Schedule E)</b>		
<b>23. COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 U.S.C. 441a(d)) (use Schedule F)</b>		
<b>24. LOAN REPAYMENTS MADE</b>		
<b>25. LOANS MADE</b>		
<b>26. REFUNDS OF CONTRIBUTIONS TO:</b>		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))	0.00	0.00
<b>27. OTHER DISBURSEMENTS</b>		
<b>28. TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27)</b>	174.00	174.00
<b>III. NET CONTRIBUTIONS/OPERATING EXPENDITURES</b>		
<b>29. TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))</b>	0.00	0.00
<b>30. TOTAL CONTRIBUTION REFUNDS (from Line 26(d))</b>	0.00	0.00
<b>31. NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)</b>	0.00	0.00
<b>32. TOTAL OPERATING EXPENDITURES (from Line 19)</b>	174.00	174.00
<b>33. OFFSETS TO OPERATING EXPENDITURES (from Line 15)</b>	0.00	0.00
<b>34. NET OPERATING EXPENDITURES (subtract Line 33 from 32)</b>	174.00	174.00

2 1 0 4 0 3 2 4 2 4 4

11(a)(i)  
11(a)(ii)  
11(a)(iii)  
11(b)  
11(c)  
11(d)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
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23  
24  
25  
26(a)  
26(b)  
26(c)  
26(d)  
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34

**SCHEDULE B**

**ITEM 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)**  
**OPERATION OUTREACH of the AMERICAN INDEPENDENT PARTY**

21040324245

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Federal Express Co P. O. Box 727 Memphis, Tennessee 38194-9999	Shipping expense Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-22-88	174.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	Date (month, day, year)	Amount of Each Disbursement This Period

<b>SUBTOTAL</b> of Disbursements This Page (optional) .....	174.00
<b>TOTAL</b> This Period (last page this line number only) .....	174.00

**Exhibit "K"**

21040324246

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer  
1921 Summer Place Drive West  
Mobile, Al 36618

(205) 344-7956

July 30, 1987

Federal Election Commission  
Washington, D.C. 20463

Re: CO0201343

Attention: Records and Reports Dept

Gentlemen:

Enclosed is the July 31 Mid-Year Report for the above captioned.

You will note certain comments on Schedules A, B, C, D. These are the result of the fact that contributions to the Populist Party have evidently been handled by a California group and disbursements for the payment of debts have been handled by this same group. This by-passing of the National Treasurer's office has resulted in an incomplete set of records for the purpose of reporting.

Due to this irregular handling of funds, I will assume responsibility for the correctness and completeness of the figures contained on this report only.

If further information is required, please advise.

Very truly yours,

*Faye G. Miller*

Faye G. Miller  
National Treasurer

CERTIFIED  
MAIL  
7.31.87

87 AUG 4 11:08

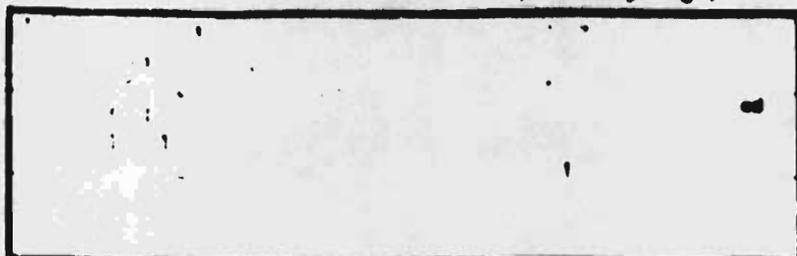
2170403242A7

# REPORT OF RECEIPTS AND DISBURSEMENTS

For Other Than An Authorized Committee  
(Summary Page)

07 AUG 4 41:08

USE FEC MAILING LABEL  
OR  
TYPE UP PRINT



FEC IDENTIFICATION NUMBER

C00201343

This committee qualified as a multi-candidate committee DURING THIS Reporting Period on \_\_\_\_\_ (date)

## 4. TYPE OF REPORT

- April 15 Quarterly Report
- July 15 Quarterly Report
- October 15 Quarterly Report
- January 31 Year End Report
- July 31 Mid Year Report (Non-election Year Only)
- Termination Report

Monthly Report Due On:

- |                                      |                                       |                                      |
|--------------------------------------|---------------------------------------|--------------------------------------|
| <input type="checkbox"/> February 20 | <input type="checkbox"/> June 20      | <input type="checkbox"/> October 20  |
| <input type="checkbox"/> March 20    | <input type="checkbox"/> July 20      | <input type="checkbox"/> November 20 |
| <input type="checkbox"/> April 20    | <input type="checkbox"/> August 20    | <input type="checkbox"/> December 20 |
| <input type="checkbox"/> May 20      | <input type="checkbox"/> September 20 | <input type="checkbox"/> January 31  |

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 \_\_\_\_\_

(b) Is this Report an Amendment?  YES  NO

### SUMMARY

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
5 Covering Period _____ through _____		
6 (a) Cash on Hand January 1, 19 _____		\$ 53,791.30
b) Cash on Hand at Beginning of Reporting Period	\$ 11,154.22	
c) Total Receipts (from Line 18)	\$ 13,332.45	\$ 13,332.45
d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B)	\$ 24,486.67	\$ 24,486.67
7 Total Disbursements (from Line 28)	\$ 24,359.18	\$ 24,359.18
9 Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d))	\$ 127.49	\$ 127.49
9 Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D)		
10 Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D)		

SEE ATTACHED LETTER

For further information contact:  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463  
Toll Free 800-424-9530  
Local 202-376-3120

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

Type or Print Name of Treasurer

FAYE G. MILLER

Signature of Treasurer

*Faye G. Miller*

Date

7-30-87

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

FEC FORM 3X

217040324248

**DETAILED SUMMARY PAGE**  
of Receipts and Disbursements  
(Page 2, FEC FORM 32)

Name of Committee (in full)	Report Covering the Period	
POPULIST PARTY OF THE UNITED STATES	From: 1-1-87	To: 7-1-87
	COLUMN A Total This Period	COLUMN B Calendar Year-To-Date
<b>I. RECEIPTS</b>		
11 CONTRIBUTIONS (other than loans) FROM:		
(a) Individual Persons Other Than Political Committees		
(i) Itemized (use Schedule A)		
(ii) Unitemized	12,932.45	12,932.45
(iii) Total of contributions from individuals	12,932.45	12,932.45
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTIONS (add 11(a)(iii), (b), and (c))	12,932.45	12,932.45
12 TRANSFERS FROM AFFILIATED/OTHER PARTY COMMITTEES		
13 ALL LOANS RECEIVED <b>SEE ATTACHED</b>	400.00	400.00
14 LOAN REPAYMENTS RECEIVED		
15 OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)		
16 REFUNDS OF CONTRIBUTIONS MADE TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
17 OTHER RECEIPTS (Dividends, Interest, etc.)		
18 TOTAL RECEIPTS (add 11(d), 12, 13, 14, 15, 16 and 17)	13,332.45	13,332.45
<b>II. DISBURSEMENTS</b>		
19 OPERATING EXPENDITURES	23,956.18	23,956.18
20 TRANSFERS TO AFFILIATED/OTHER PARTY COMMITTEES		
21 CONTRIBUTIONS TO FEDERAL CANDIDATES AND OTHER POLITICAL COMMITTEES		
22 INDEPENDENT EXPENDITURES (use Schedule E)		
23 COORDINATED EXPENDITURES MADE BY PARTY COMMITTEES (2 USC 441a(d)) (use Schedule F)		
24 LOAN REPAYMENTS MADE	400.00	400.00
25 LOANS MADE		
26 REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
(b) Political Party Committees		
(c) Other Political Committees (such as PACs)		
(d) TOTAL CONTRIBUTION REFUNDS (add 26(a), (b), and (c))		
27 OTHER DISBURSEMENTS <b>INT. PAID</b>	3.00	3.00
28 TOTAL DISBURSEMENTS (add 19, 20, 21, 22, 23, 24, 25, 26(d) and 27) <b>SEE ATTACHED</b>	24,359.18	24,359.18
<b>III. NET CONTRIBUTIONS/OPERATING EXPENDITURES</b>		
29 TOTAL CONTRIBUTIONS (other than loans) (from Line 11(d))	12,932.45	12,932.45
30 TOTAL CONTRIBUTION REFUNDS (from Line 26(d))		
31 NET CONTRIBUTIONS (other than loans) (subtract Line 30 from 29)	12,932.45	12,932.45
32 TOTAL OPERATING EXPENDITURES (from Line 19)	23,956.18	23,956.18
33 OFFSETS TO OPERATING EXPENDITURES (from Line 15)		
34 NET OPERATING EXPENDITURES (subtract Line 33 from 32)	23,956.18	23,956.18

91040324249

**SCHEDULE A**

**ITEMIZED RECEIPTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1  
FOR LINE NUMBER 11 11

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)

**POPULIST PARTY OF THE UNITED STATES**

91040824250

A. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
The probability exists that there is an entry that should be included hereon. However, I do not have, nor can I secure the information necessary to properly complete this page			
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
B. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
C. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
D. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
E. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
F. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		
G. Full Name, Mailing Address and ZIP Code	Name of Employer	Date (month, day, year)	Amount of Each Receipt this Period
	Occupation		
Receipt For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (Specify)	Aggregate Year-to-Date > \$		

SUBTOTAL of Receipts This Page (optional)

TOTAL This Period (last page this line number only)

SCHEDULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 6  
FOR LINE NUMBER 19

All information shown from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes either by using the name and address of any political committee to solicit contributions from such committee

NAME OF COMMITTEE (in Full)  
POPULIST PARTY OF THE UNITED STATES

All of following are for operating expense

A Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Donna Layton 6065 Mission Gorge San Diego, Calif 92120	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-2-87	265.44
William K. Shearer 8148 Palm St San Diego, Calif 92045	Lease - office equip. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-1-87	100.00
William K. Shearer 8148 Palm St San Diego, Calif 92045	Bar.x fee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-1-87	8.50
Nancy Shearer 6065 Mission Gorge San Diego, Calif 92045	Fee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-1-87	1,000.00
Mission Valley Realty 6065 Mission Gorge San Diego, Calif 92120	Rent Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-1-87	264.00
Nancy Shearer 6065 Mission Gorge San Diego, Calif	Fee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-15-87	1,000.00
Donna Layton 6065 Mission Gorge San Diego, Calif 92120	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-9-87	265.44
Donna Layton 6065 Mission Gorge San Diego, Calif	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-16-87	265.44
C/C - Rollie Victor Rt 2 Wayne, Neb 68787	Travel Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-8-87	500.00

SUBTOTAL (Total Disbursements This Page (out of total))

3,668.82

TOTAL (Total Disbursements This Page (out of total))

217040324251

**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)

**POPULIST PARTY OF THE UNITED STATES**

91040924252

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Grove Office Supply 7890 Broadway Lemon Grove, Calif 92045	Office supplies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-13-87	89.29
Federal Election Commission Washington, D.C.	Copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-7-87	4.05
State of Virginia Roanoke, Va	Copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-7-87	15.00
William K. Shearer 8148 Palm St Lemon Grove, Calif 92045	Reimburse for mailing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-13-87	9,363.52
Donna Layton 6065 Mission Gorge San Diego, Calif 92021	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-23-87	265.44
state of Iowa Des Moines, Iowa	Copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-15-87	9.00
Postmaster San Diego, Calif	Permit Renewal Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-13-87	50.00
Federal Express Memphis, Tenn.	Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-13-87	97.00
Syndrone of Control C/O 6065 Mission Gorge San Diego, Calif 92021	Books for resale Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-13-87	750.00

<b>SUBTOTAL</b> (Total amount of this Page (optional))	10,543.00
<b>TOTAL</b> (Total amount of this Page (mandatory))	

SCHEDULE B

ITEMIZED DISBURSEMENTS

All information covered 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)  
 POPULIST PARTY OF THE UNITED STATES

2 4 0 3 2 1 4 3 2 3 5 3

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Donna Layton 6065 Mission Gorge San Diego, Calif 92021	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-30-87	265.44
Donna Layton 6065 Mission Gorge San Diego, Calif 92021	Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-6-87	265.44
Nancy Shearer 6065 Mission Gorge San Diego, Calif 92021	Fee Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	1-30-87	1,000.00
William K. Shearer 8148 Palm St Lemon Grove, Calif 92045	Equipment Lease Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-1-87	100.00
Mission Valley Realty 6065 Mission Gorge San Deigo, Calif 92021	Rent Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-1-87	264.00
Federal Election Commision Washington, D.C.	Copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-11-87	36.25
Federal Election Commission Washington, D.C.	Copies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-16-87	32.55
C/O John Couture 13131 Janesville Rd Hales Corner, Wis	Travel Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-19-87	400.00
C/O John Couture 13131 Janesville Rd Hales Corner, Wis	Travel Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-25-87	300.00

SUBTOTAL

MODULE B

ITEMIZED DISBURSEMENTS

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 1 OF 1  
FOR LINE NUMBER 19

Information enclosed 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)

POPULIST PARTY OF THE UNITED STATES

91040324254

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Letter Kraft Printers 3135 Lemon Grove Lemon Grove Calif 92045	Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	2-21-87	2,314.31
B. Full Name, Mailing Address and ZIP Code Holiday Inn Dallas, Texas	Purpose of Disbursement Meeting expense Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-8-87	1,125.98
C. Full Name, Mailing Address and ZIP Code Alpha Graphics, Inc. 7614 Lemon Grove Lemon Grove, Calif 92045	Purpose of Disbursement Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	590.43
D. Full Name, Mailing Address and ZIP Code Mission Office Supply C/O 6065 Mission Grove San Diego, Calif 92021	Purpose of Disbursement Office supplies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	195.23
E. Full Name, Mailing Address and ZIP Code S'East Data Processing 286 Euclid Ave San Diego, Calif 92114	Purpose of Disbursement Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	33.92
F. Full Name, Mailing Address and ZIP Code Donna Layton 6065 Mission Grove San Diego, Calif 92021	Purpose of Disbursement Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	23.39
G. Full Name, Mailing Address and ZIP Code Grove Office Supply 7890 Broadway Lemon Grove, Calif 92045	Purpose of Disbursement Office Supplies Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	72.77
H. Full Name, Mailing Address and ZIP Code Nancy Shearer 6065 Mission Grove San Diego, Calif 92021	Purpose of Disbursement Meeting expense - Dallas Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	25.99
I. Full Name, Mailing Address and ZIP Code Donna Layton 6065 Mission Grove San Diego, Calif 92045	Purpose of Disbursement Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-6-87	265.44

SUBTOTAL of Disbursements This Page (optional):	4,642.46
TOTAL This Page (use this line number only)	

**HEDULE B**

**ITEMIZED DISBURSEMENTS**

Use separate schedules for each category of the Detailed Summary Page

PAGE 2 OF 16  
FOR LINE NUMBER

Information disclosed 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)  
**POPULIST PARTY OF THE UNITED STATES**

31040524255

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Postmaster San Diego, Calif	Permit renewal Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	45.00
B. Full Name, Mailing Address and ZIP Code American Express C/O 6065 Mission Gorge San Diego, Calif 92021	Purpose of Disbursement Travel Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	276.00
C. Full Name, Mailing Address and ZIP Code Donna Layton 6065 Mission Gorge San Diego, Calif	Purpose of Disbursement Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-13-87	265.44
D. Full Name, Mailing Address and ZIP Code Faye Miller 1921 Summer Pl Dr W Mobile, Al 36618	Purpose of Disbursement Repay Loan + 3.00 Int. Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-16-87	403.00
E. Full Name, Mailing Address and ZIP Code Letter Kraft Printers 3135 Lemon Grove Lemon Grove, Calif 92045	Purpose of Disbursement Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	18.73
F. Full Name, Mailing Address and ZIP Code Federal Express Memphis, Tenn. 38142	Purpose of Disbursement Postage Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	217.00
G. Full Name, Mailing Address and ZIP Code Westin Hotel C/O 6065 Mission Gorge San Diego, Calif 92021	Purpose of Disbursement Meeting expense Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-10-87	128.77
H. Full Name, Mailing Address and ZIP Code Donna Layton 6065 Mission Gorge San Diego, Calif 92021	Purpose of Disbursement Salary Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	3-20-87	265.44
I. Full Name, Mailing Address and ZIP Code Ramada Inn Birmingham, Al	Purpose of Disbursement Travel Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6-23-87	56.54

SUBTOTAL (Total Disbursements This Page, but not Total)	1,675.92
TOTAL (Total Disbursements This Page, but not Total)	

**MODULE B**

**ITEMIZED DISBURSEMENTS**

Use separate schedule(s) for each category of the Detailed Summary Page

PAGE 18 OF 18  
FOR LINE NUMBER 18

Information reported from such Reports and Statements may not be sold or used by any person for the purpose of collecting 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)

**POPULIST PARTY OF THE UNITED STATES**

21040324256

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
CAC IRS Atlanta, Ga	Payment on payroll tax Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)	6-22-87	1,060.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)		

SUBTOTAL 1,060.00

TOTAL 24,374.00

Under penalty of perjury, the undersigned certifies that this report is true and correct, and that the funds reported herein were used for the purposes stated herein. This report is submitted to this office for filing.

**SCHEDULE C**  
(Revised 3/80)

**LOANS**

Page 1 of 1 for  
LINE NUMBER 11  
(Use separate schedules  
for each numbered line)

Name of Committee (in Full) <b>POPULIST PARTY OF THE UNITED STATES</b>			
A. Full Name, Mailing Address and ZIP Code of Loan Source <b>Faye G. Miller 1921 Summer Pl Dr W Mobile, Al 36618</b>	Original Amount of Loan <b>400.00</b>	Cumulative Payments To Date <b>400.00</b>	Balance Outstanding at Close of This Period <b>-0-</b>
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
Terms: Date Incurred <u>2-19-87</u> Date Due <u>2-19-87</u> Interest Rate <u>10%</u> (Year) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item A			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
NOTE - Another loan was involved during this period. I do not have the information to complete this form to include same.			
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
B. Full Name, Mailing Address and ZIP Code of Loan Source			
		Original Amount of Loan	Balance Outstanding at Close of This Period
Election: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify)			
Terms: Date Incurred _____ Date Due _____ Interest Rate _____ (Year) <input type="checkbox"/> Secured			
List All Endorsers or Guarantors (if any) to Item B			
1. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
2. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
3. Full Name, Mailing Address and ZIP Code	Name of Employer		
	Occupation		
	Amount Guaranteed Outstanding: \$		
SURTOTALS This Period (This Page (optional))			
TOTALS This Period (last page in this line only)			
Carry outstanding balance only to LINE 3, Schedule D for this line. If no Schedule D, carry forward to appropriate line of Summary			

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 0 7 0 3

**SCHEDULE D**  
(Revised 2/88)

**DEBTS AND OBLIGATIONS**  
Excluding Loans

Page 1 of 1 to  
LINE NUMBER         
(Use separate schedules  
for each numbered line)

Name of Committee or Fund	Outstanding Balance Beginning This Period	Amount Incurred This Period	Payment This Period	Outstanding Balance at Close of This Period
<b>POPULIST PARTY OF THE UNITED STATES</b>  A. Full Name, Mailing Address and Zip Code of Debtor or Creditor Debts owed for operational expense may exist which should be itemized hereon. I do not have sufficient information to determine this				
Nature of Debt (Purpose):				
B. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
C. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
D. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
E. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
F. Full Name, Mailing Address and Zip Code of Debtor or Creditor				
Nature of Debt (Purpose):				
1) SUBTOTALS This Period This Page (optional) .....				
2) TOTAL This Period (last page this line only) .....				
3) TOTAL OUTSTANDING LOANS from Schedule C (last page only) .....				
4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only) .....				

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First Army  
Dummba  
Al 36618

CERTIFIED

P 577 426 157

MAIL

# THE POPULIST PARTY OF THE UNITED STATES

IN REPLY ADDRESS:

Office of the Treasurer  
192' Summer Place Drive West  
Mobile, Al 36618

(205) 344-7956

May 19, 1988

Mr. Brian Hancock  
Federal Election Commission  
Washington, D.C. 20463

Dear Sir:

In answer to your request for additional information concerning various schedules of the Report, the following is a brief explanation.

1. Schedules A,B,C and D. - Itemized Receipts, Itemized Deductions  
Loans, Debts & Obligations

Lack of information available for these pages are all a result of the fact that William K. Shearer of San Diego, California, a former Parliamentarian of the Executive became angered with me and would not send contributions received at the San Diego office to me. The reason for this disagreement was that I refused to pay out Party funds according to his instructions, rather than according to the mandates of the Executive Committee and according to the regulations of the FEC. A more complete understanding of this can be determined from your reading the attached letters between Bill Shearer and me.

Inasmuch as Nancy Shearer, the daughter of Bill Shearer, was the person in charge of incoming and outgoing mail, it was very simple for this raid on contributions by Shearer to occur. I do not have any idea of how much funds were received by this San Diego office, nor do I know what bills were due or paid. I attempted to arrive at some figure for these schedules by calling those creditors I had record of. I quickly learned that some of the vendors I was aware of had been paid - in some cases by Nancy Shearer and in some by Operation Outreach - a subsidiary of the California American Independent Party (which I understand to be totally controlled by Bill Shearer). In other cases the vendor did not know who had paid the bill - just that their account with the Populist Party had been paid.

I have only received \$267.00 from the San Diego office during the first 6 months of 1987.

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAY 20 PM 1:18

910403242660  
73

Brian Hancock - continued

Page -2-

This amount was not deposited in the bank due to the fact that by the time I received these, many with "stale date", there was no longer an account with the bank.

I am attaching hereto letters between the Shwarers and I regarding the handling of finances which should shed further light on the reasons for the notations on the FBI Reports.

If further information is desired, please advise.

Very truly yours,

*Faye Miller*

Faye Miller

cc: March 2, 1987 - May 20, 1987 - - June 8, 1987  
Letters

*Mr. Hancock -*

*There are other letters  
pertaining to these matters  
if you'd like..*

3304033624856.1

**Exhibit "L"**

91040324262

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)  
)

MUR 2719

MEMORANDUM RE: ALLEGATIONS AGAINST NANCY SHEARER

21540321263

**MEMORANDUM RE: ALLEGATIONS AGAINST NANCY SHEARER**

Nancy Shearer has been required to respond to allegations which are identical to those brought against William K. Shearer, based upon the unsubstantiated shotgun charges of Mrs. Faye Miller.

The role of Nancy Shearer in the affairs of the Populist Party and National Committee was very different than that of William K. Shearer, who was an elected officer of the committee and a member of its policy making executive committee.

Nancy Shearer was employed by the committee from on or about June 16, 1985 through the end of February, 1987. Her task was one of administering the committee's national office, not making committee policy.

When the committee encountered financial difficulties in early 1987, the committee could no longer afford to pay a full-time administrator. From March 1, 1987 through her resignation on or about July 31, 1987, Miss Shearer continued to assist the committee on a volunteer basis without compensation.

The allegations against Nancy Shearer are that she: (1) refused to send Mrs. Miller information she needed to complete FEC disclosure reports; (2) failed to forward to Mrs. Miller contribution checks received at the San Diego office; (3) deposited PPUS's contribution checks into accounts other than PPUS's designated depository; and (4) made disbursements on behalf of PPUS from sources other than PPUS's designated depository.

The record does not support these allegations.

91040324264

1. Miss Shearer never refused to send Mrs. Miller information which she needed to complete FEC disclosure reports. To the contrary, the record reflects that Miss Shearer sent regular, timely reports to Mrs. Miller, including all contributions received at the national office, and complete supporting information for the payment of bills submitted to Mrs. Miller.

Fortunately, Miss Shearer kept good records because, on or about March, 1987, Mrs. Miller asked Miss Shearer to provide her a complete duplicate copy of every transmittal and backup which Miss Shearer had sent to Mrs. Miller since June of 1985. Miss Shearer was able to do so. If there was negligence in the keeping of records, it was by Mrs. Miller, not Miss Shearer.

2. Miss Shearer did not fail to forward to Mrs. Miller contribution checks received at the San Diego office. All transmittals, except Miss Shearer's final transmittal were submitted direct to Mrs. Miller. The final transmittal was sent by Miss Shearer to the committee's chairman, John Couture, who turned the checks enclosed over to Mrs. Miller. Miss Shearer transmitted the checks to Mr. Couture on July 31, 1987. Mr. Couture sent the checks to Mrs. Miller on August 6, 1987, and Mrs. Miller acknowledged receipt of the checks on August 19, 1987. By the time Mrs. Miller received the checks (sometime between August 6 and August 19, 1987), Mrs. Miller had violated her duty to the committee by closing its account, and by no longer maintaining depository in which the checks could be deposited. All of these facts are confirmed in documents filed with the FEC in this proceeding.

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Contrary to Mrs. Miller's assertion, the checks were not "stale" at the time she received them. Bank policy is generally to honor checks dated within six months of the date of their deposit. The earliest checks in the final transmittal of Miss Shearer were dated at the end of April, and would still have been honored by the bank if deposited upon receipt by Mrs. Miller.

3. At no time did Miss Shearer deposit the party's contribution checks into accounts other than its designated depository, and there is no evidence of any kind to support such allegation. Miss Shearer never maintained a bank account in the party's name, nor did she ever deposit a check made payable to PPUS. The only bank accounts maintained for PPUS were those established and administered by Mrs. Miller, and all checks were transmitted to her for deposit.

4. At no time did Miss Shearer make disbursements on behalf of PPUS from sources other than PPUS's designated depository. As administrator of the office, she submitted bills for payment for goods and services, for purposes which had been authorized by the committee. She had no authority to disburse funds.

In light of the evidence presented to the commission, the allegations against Miss Shearer should be dismissed.

Dated: January 18, 1989

Respectfully submitted,

By:

  
WILLIAM K. SHEARER

21040321266



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

February 13, 1989

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bergante  
101 West Broadway, Sixth Floor  
San Diego, CA 92101

Dear Mr. Shearer:

This responds to your letter to the Commission dated January 18, 1989.

The January 2 and 9, 1989 issue of The Spotlight, a copy of which you enclosed, states that "the Federal Election Commission has declared time and again in several legal documents that a fund-raising entity under Shearer's exclusive control owes Liberty Lobby \$289,326.19 (plus interest), for which sum Shearer is himself personally responsible." Be advised that you have been notified of all Commission findings against you. The confidentiality provisions of the Federal Election Campaign Act of 1971, as amended, however, prevent the Commission from denying or confirming to you the existence of statements allegedly made in the context of any ongoing enforcement matter in which you are not a respondent.

We have turned your letter over to our FOIA Officer for further action. If you have any questions, please contact Vincent Convery, Assistant General Counsel, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Lois G. Lerner  
Associate General Counsel

21040324267

OGC 4323

RECEIVED  
FEDERAL ELECTION COMMISSION  
MAIL ROOM

OCT 23 1989

October 18, 1989

Mr. Robert Raich  
FEDERAL ELECTIONS COMMISSION  
999 "E" Street, N.W.  
Washington, D.C., 20463

MUR 2719

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF FEDERAL COUNSEL  
OCT 23 PM 1:32

Dear Mr. Raich:

At the request of Mr. William K. Sheerer, of San Diego, I am attaching to this letter a photocopy of the AMERICAN INDEPENDENT PARTY's check #633, dated February 5, 1987, in the amount of \$480.00, issued to the Populist Party. This amount paid the California party's assessment to the national committee for the period of September 1986 through April 1987 (4th & 1st quarters).

*Winifred S. Laymon*

Mrs. Winifred S. Laymon, Treas.  
CA AMERICAN INDEPENDENT PARTY  
State Central Committee

1084 W. Marshall Boulevard  
San Bernardino, CA 92405  
(714) 882-5829

91040324268

AMERICAN INDEPENDENT PARTY  
CALIFORNIA STATE CENTRAL COMMITTEE  
1054 W. MARSHALL BLVD. PH. 714-882-5829  
SAN BERNARDINO, CALIF. 92405

633

Feb. 5 1987 16-68/1220

PAY  
TO THE  
ORDER OF

The Populist Party

\$ 480.00

Four Hundred Eighty and 00/100 DOLLARS

BANK OF AMERICA  
COLTON BRANCH  
388 NORTH LA CADENA DRIVE  
COLTON, CALIF. 92324

FOR Sept '86 thru April '87

Winifred S. Layman

CA Accts. #000633# @: 12200066 @: 09940#00791# T. #0000018000#

21040324269

89 NOV 29 AM 11:28

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

William Shearer  
Nancy Shearer

)  
)  
)  
)

MUR 2719

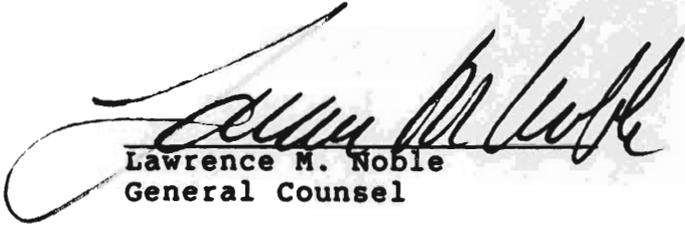
**SENSITIVE**

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to William Shearer and Nancy Shearer, based on the assessment of the information presently available.

Date

11/29/89

  
Lawrence M. Noble  
General Counsel

21040324270

09 DEC -5 AM 9:43



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

December 4, 1989

**MEMORANDUM**

**TO:** The Commission  
**FROM:** Lawrence M. Noble *LMN*  
General Counsel  
**SUBJECT:** MUR 2719

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission findings of no probable cause to believe were mailed on December 4, 1989. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

**Attachments**

1. Brief
2. Letter to respondent

91040324271



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

December 4, 1989

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission found reason to believe that you and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a), and instituted an investigation in 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 no probable cause to believe that you violated 2 U.S.C. § 432(b)(3), and no probable cause to believe that Nancy Shearer violated 2 U.S.C. §§ 432(b)(3), 432(h)(1), or 432(a) or 11 C.F.R. § 103.3(a).

The Commission may or may not approve the General Counsel's recommendations. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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 the 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 whether there is 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 for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

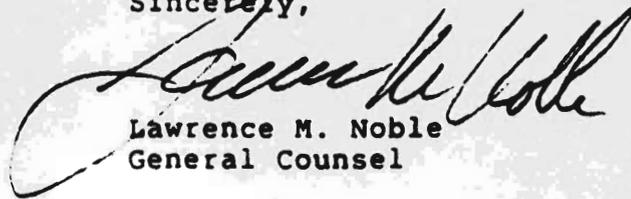
21040324272

William K. Shearer, Esquire  
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

91040324273

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 2719  
William Shearer )  
Nancy Shearer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This is a matter generated by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. Statements made with reports filed by Faye Miller, Treasurer of Populist Party of the United States ("PPUS"), suggested that William Shearer and Nancy Shearer may have committed numerous violations of the Act and Regulations by using their own funds for PPUS business and by bypassing the Treasurer in the handling of PPUS funds.

On the basis of the evidence available at the time, the Commission found reason to believe that both William Shearer and Nancy Shearer violated: 2 U.S.C. § 432(b)(2) by not forwarding contributions in a timely manner, 2 U.S.C. § 432(a) by making expenditures without the treasurer's authorization, 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a) by paying disbursements other than by checks drawn on a depository institution and failing to deposit political committee receipts in a depository institution, and 2 U.S.C. § 432(b)(3) by commingling personal and PPUS funds.

II. ANALYSIS

A. Nancy Shearer

In a statement made under penalty of perjury submitted in

21040324274

response to the Commission's interrogatories, Nancy Shearer stated that she forwarded all contributions she received to BPUS's Treasurer or Chairman. She further stated that at no time did she control any account from which funds were disbursed by or on behalf of PPUS. Therefore, the evidence now indicates that Nancy Shearer never commingled her own funds with those of PPUS, never made disbursements or expenditures on behalf of PPUS, and never prevented PPUS's funds from being deposited in its depository. Accordingly, this Office recommends that the Commission find no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a). This matter is still pending with regard to Nancy Shearer's alleged failure to forward contributions in a timely manner, see 2 U.S.C. § 432(b)(2).

B. William Shearer

In a statement made under penalty of perjury submitted in response to the Commission's interrogatories, William Shearer stated that all contributions he received were returned to the contributors, and that he deposited no contribution checks into any bank account. Therefore, the evidence now indicates that William Shearer never commingled his own funds with those of PPUS. Accordingly, this Office recommends that the Commission find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3). This matter is still pending with regard to William Shearer's alleged violations of 2 U.S.C. §§ 432(a), 432(b)(2), 432(h)(1), and 11 C.F.R. § 103.3(a).

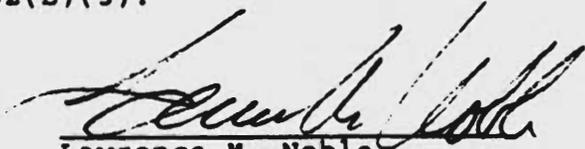
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**III. GENERAL COUNSEL'S RECOMMENDATIONS**

1. Find no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a).
2. Find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3).

12/4/87

Date



Lawrence M. Noble  
General Counsel

21540324276

OHC Docket

RECEIVED  
FEDERAL ELECTION COMMISSION

89 DEC -5 AM 9:43



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

**SENSITIVE**

December 4, 1989

MEMORANDUM

TO: The Commission  
FROM: Lawrence M. Noble  
General Counsel  
SUBJECT: MUR 2719

Attached for the Commission's review is a brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this brief and a letter notifying the respondent of the General Counsel's intent to recommend to the Commission findings of no probable cause to believe were mailed on December 4, 1989. Following receipt of the respondent's reply to this notice, this Office will make a further report to the Commission.

Attachments

- 1. Brief
- 2. Letter to respondent

9104 082 4277



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20543

December 4, 1989

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, the Federal Election Commission found reason to believe that you and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a), and instituted an investigation in 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 no probable cause to believe that you violated 2 U.S.C. § 432(b)(3), and no probable cause to believe that Nancy Shearer violated 2 U.S.C. §§ 432(b)(3), 432(h)(1), or 432(a) or 11 C.F.R. § 103.3(a).

The Commission may or may not approve the General Counsel's recommendations. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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 the 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 whether there is 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 for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

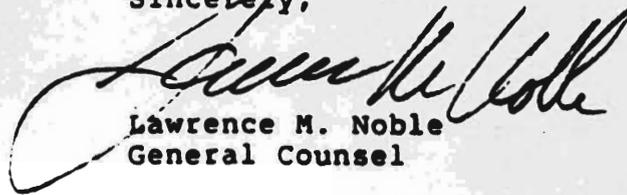
91040321278

William K. Shearer, Esquire  
Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90 days, to settle this matter through a conciliation agreement.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

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1140351373

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
William Shearer ) MUR 2719  
Nancy Shearer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This is a matter generated by the Federal Election Commission in the normal course of carrying out its supervisory responsibilities. Statements made with reports filed by Faye Miller, Treasurer of Populist Party of the United States ("PPUS"), suggested that William Shearer and Nancy Shearer may have committed numerous violations of the Act and Regulations by using their own funds for PPUS business and by bypassing the Treasurer in the handling of PPUS funds.

On the basis of the evidence available at the time, the Commission found reason to believe that both William Shearer and Nancy Shearer violated: 2 U.S.C. § 432(b)(2) by not forwarding contributions in a timely manner, 2 U.S.C. § 432(a) by making expenditures without the treasurer's authorization, 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a) by paying disbursements other than by checks drawn on a depository institution and failing to deposit political committee receipts in a depository institution, and 2 U.S.C. § 432(b)(3) by commingling personal and PPUS funds.

II. ANALYSIS

A. Nancy Shearer

In a statement made under penalty of perjury submitted in

91040324280

response to the Commission's interrogatories, Nancy Shearer stated that she forwarded all contributions she received to PPUS's Treasurer or Chairman. She further stated that at no time did she control any account from which funds were disbursed by or on behalf of PPUS. Therefore, the evidence now indicates that Nancy Shearer never commingled her own funds with those of PPUS, never made disbursements or expenditures on behalf of PPUS, and never prevented PPUS's funds from being deposited in its depository. Accordingly, this Office recommends that the Commission find no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a). This matter is still pending with regard to Nancy Shearer's alleged failure to forward contributions in a timely manner, see 2 U.S.C. § 432(b)(2).

B. William Shearer

In a statement made under penalty of perjury submitted in response to the Commission's interrogatories, William Shearer stated that all contributions he received were returned to the contributors, and that he deposited no contribution checks into any bank account. Therefore, the evidence now indicates that William Shearer never commingled his own funds with those of PPUS. Accordingly, this Office recommends that the Commission find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3). This matter is still pending with regard to William Shearer's alleged violations of 2 U.S.C. §§ 432(a), 432(b)(2), 432(h)(1), and 11 C.F.R. § 103.3(a).

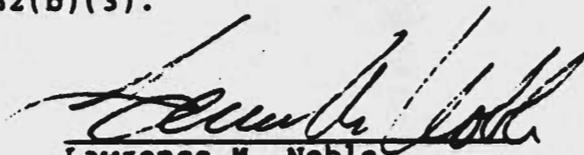
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**III. GENERAL COUNSEL'S RECOMMENDATIONS**

1. Find no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a).
2. Find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3).

Date

12/4/87

  
Lawrence M. Noble  
General Counsel

91040324282

89 DEC -4 PM 4: 11

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
William Shearer )  
Nancy Shearer )  
Populist Party of the United )  
States and Faye Miller, as )  
treasurer )

**SENSITIVE**

MUR 2719

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Commission found reason to believe that both William Shearer and Nancy Shearer violated: 2 U.S.C. § 432(b)(2) by not forwarding contributions in a timely manner, 2 U.S.C. § 432(a) by making expenditures without the treasurer's authorization, 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a) by paying disbursements other than by checks drawn on a depository institution and failing to deposit political committee receipts in a depository institution, and 2 U.S.C. § 432(b)(3) because it appeared they may have commingled personal and committee funds. The Commission also found reason to believe that Populist Party of the United States ("PPUS") and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b) by failing to disclose financial activity.

The respondents have replied to the reason to believe findings with voluminous documents (Attachment 1). In addition, William and Nancy Shearer have requested to enter into conciliation prior to findings of probable cause to believe.

II. FACTUAL AND LEGAL ANALYSIS

After analyzing the materials submitted by the respondents, the General Counsel's Office has prepared a Brief recommending

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that the Commission find no probable cause to believe that William Shearer violated Section 432(b)(3) or that Nancy Shearer violated Sections 432(b)(3), 432(h)(1), 432(a), or 103.3(a). It is the position of the General Counsel's Office that the Commission should enter into conciliation with William and Nancy Shearer at this time concerning the remaining violations.

A. Nancy Shearer

The evidence indicates that Nancy Shearer did not properly forward certain contribution checks she received. Specifically, Nancy Shearer received 13 contribution checks to PPUS sometime between March 10 and July 22, 1987. The checks ranged in size from \$5.00 to \$40.00, and totaled \$240.00. Rather than forwarding the checks to PPUS's treasurer, Faye Miller, within 30 days of receipt, Nancy Shearer waited until July 23, 1987, and then forwarded the checks to John Couture, PPUS's "Chairman." In accordance with the foregoing, and pursuant to Nancy Shearer's request, this Office recommends that the Commission enter into conciliation negotiations with Nancy Shearer at this time, concerning a violation of 2 U.S.C. § 432(b)(2).

B. William Shearer

The evidence indicates that between approximately April 30 and June 10, 1987, William Shearer received contribution checks which he failed to forward to PPUS's treasurer, Faye Miller. Specifically, William Shearer received 17 contribution checks ranging in size from \$50.00 to \$1,000.00, and totaling \$5,718.34. On about July 2, 1987, he returned the checks

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directly to the contributors, without informing Faye Miller of his actions or of the names and addresses of the contributors or of the dates he received the contributions. The contributions were thus not deposited into PPUS's depository account.

Moreover, between January 29 and June 16, 1987, William Shearer personally made payments totaling \$3,186.39 on behalf of PPUS. In addition, he personally authorized Operation Outreach of the American Independent Party, another political committee, to make disbursements totaling \$2,324.96 on behalf of PPUS between July 12, 1987 and January 16, 1988. After the fact, Faye Miller authorized all but \$546.79 of the disbursements William Shearer made personally. Faye Miller did not authorize the disbursements made by Operation Outreach of the American Independent Party. Therefore, Mr. Shearer apparently made payments on behalf of PPUS without the treasurer's authorization by means other than checks drawn on a committee depository.<sup>1</sup>

In accordance with the foregoing, and pursuant to William Shearer's request, this Office recommends that the Commission enter into conciliation negotiations with William Shearer at this time, concerning violations of 2 U.S.C. §§ 432(b)(2), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a).

---

1. Because William Shearer's personal expenditures on behalf of PPUS totaled less than \$5,000 (the amount individuals may contribute to unauthorized committees per calendar year), this Office has made no recommendations concerning a potential violation of 2 U.S.C. § 441a(a).

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**III. DISCUSSION OF CONCILIATION PROVISIONS**

The attached Conciliation Agreements contain admissions of the violations, and civil penalties computed with regard to the following factors.

This Office recommends that the Commission approve the attached Conciliation Agreements.

**IV. RECOMMENDATIONS**

1. Enter into conciliation negotiations at this time with Nancy Shearer, and approve the attached Conciliation Agreement for Nancy Shearer.
2. Enter into conciliation negotiations at this time with William Shearer, and approve the attached Conciliation Agreement for William Shearer.
3. Approve and send the attached letter.

Lawrence M. Noble  
General Counsel

12-1-89  
Date

By:   
Lois G. Lerner  
Associate General Counsel

91040324286

**Attachments**

1. Respondents' replies
2. Conciliation Agreement for Nancy Shearer
3. Conciliation Agreement for William Shearer
4. Letter

**Staff Member: R. Raich**

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
William Shearer; Nancy Shearer ) MUR 2719  
Populist Party of the United States )  
and Faye Miller, as treasurer )

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission executive session of December 12, 1989, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MUR 2719:

1. Enter into conciliation negotiations at this time with Nancy Shearer, and approve the Conciliation Agreement for Nancy Shearer
  
2. Enter into conciliation negotiations at this time with William Shearer, and approve the Conciliation Agreement

(continued)

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FEDERAL ELECTION COMMISSION  
CERTIFICATION FOR MUR 2719  
DECEMBER 12, 1989

PAGE 2

3. Approve and send the letter as recommended in the General Counsel's Report dated December 1, 1989.

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

Attest:

12/12/89  
Date

Hilda Arnold  
Hilda Arnold  
Administrative Assistant

91040324289



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 18, 1989

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

The Federal Election Commission previously found reason to believe that you and Nancy Shearer violated 2 U.S.C. §§ 432(b)(2), 432(b)(3), 432(h)(1), and 432(a) and 11 C.F.R. § 103.3(a). On December 12, 1989, at your request, the Commission voted to enter into negotiations directed towards reaching conciliation agreements in settlement of this matter prior to findings of probable cause to believe.

Enclosed are conciliation agreements that the Commission has approved in settlement of this matter. If you and Nancy Shearer agree with the provisions of the enclosed agreements, please sign and return them, along with the civil penalties, to the Commission. In light of the fact that conciliation negotiations, prior to findings of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

If you have any questions or suggestions for changes in the agreements, or if you wish to arrange a meeting in connection with mutually satisfactory conciliation agreements, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

Enclosures  
Conciliation Agreements

91040324290

90 MAY 21 AM 11:21

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

**JUN 5 1990**

In the Matter of )  
William Shearer )  
Nancy Shearer )  
Populist Party of the United )  
States and Faye Miller, as )  
treasurer )

MUR 2719

**EXECUTIVE SESSION**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

This Office has previously sent the respondents a General Counsel's Brief recommending findings of no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a), and recommending a finding of no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3). The respondents have not replied to the General Counsel's Brief. Therefore, for the reasons stated in the Brief, this Office recommends that the Commission now adopt the no probable cause to believe recommendations contained in the Brief.

With regard to the remaining reason to believe findings, the Commission has approved Conciliation Agreements to William Shearer and Nancy Shearer prior to findings of probable cause to believe.

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are acceptable to the respondents. (Attachment 3)

II. DISCUSSION OF CONCILIATION PROVISIONS

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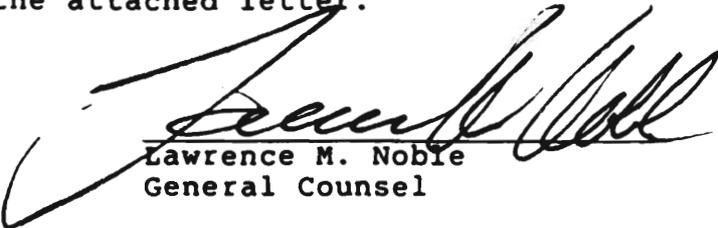
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**III. RECOMMENDATIONS**

1. Find no probable cause to believe Nancy Shearer violated 2 U.S.C. § 432(b)(3), 2 U.S.C. § 432(h)(1), 2 U.S.C. § 432(a), or 11 C.F.R. § 103.3(a).
2. Find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3).
3. Accept the attached counteroffer of Nancy Shearer, and close the file as to her.
4. Accept the attached counteroffer of William Shearer, and close the file as to him.
5. Approve and send the attached letter.

Date

5/21/90

  
Lawrence M. Noble  
General Counsel

**Attachments**

1. Approved Conciliation Agreements
2. Letter from counsel
- 3.
4. Proposed Letter

Staff Member: R. Raich

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
William Shearer )  
Nancy Shearer ) MUR 2719  
Populist Party of the United )  
States and Faye Miller, as )  
treasurer )

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission executive session of June 5, 1990, do hereby certify that the Commission decided by a vote of 4-0 to take the following actions in MUR 2719:

1. Find no probable cause to believe Nancy Shearer violated 2 U.S.C. §§ 432(b)(3), 432(h)(1), 432(a) or 11 C.F.R. § 103.3(a).
2. Find no probable cause to believe William Shearer violated 2 U.S.C. § 432(b)(3).
3. Accept the attached counteroffers of Nancy Shearer and William Shearer, and close the files as it pertains to them.
4. Approve and send the letter attached to the General Counsel's May 21, 1990 report.

Commissioners Aikens, Elliott, McGarry and Thomas voted affirmatively for the decision. Commissioners Josefiak and McDonald were not present.

Attest:

91040324294  
June 5, 1990  
Date

Hilda Arnold  
Hilda Arnold  
Administrative Assistant



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 11, 1990

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

This is to advise you that on June 5, 1990, the Federal Election Commission found that there is no probable cause to believe you violated 2 U.S.C. § 432(b)(3), and no probable cause to believe Nancy Shearer violated 2 U.S.C. §§ 432(b)(3), 432(h)(1), or 432(a) or 11 C.F.R. § 103.3(a).

Also on June 5, 1990, the Federal Election Commission accepted the signed conciliation agreements and civil penalties submitted on your behalf in settlement of violations of 2 U.S.C. § 432(b)(2), 2 U.S.C. § 432(a), 2 U.S.C. § 432(h)(1), and 11 C.F.R. § 103.3(a), and on Nancy Shearer's behalf in settlement of a violation of 2 U.S.C. § 432(b)(2). Accordingly, the file has been closed in this matter as it pertains to you and Nancy Shearer.

This matter will become a part of the public record within 30 days after it has been closed with respect to all other respondents involved. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreements, however, will become a part of the public record.

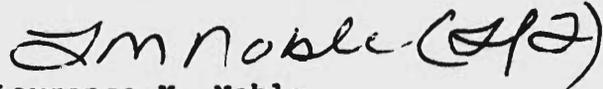
The Commission reminds you that the confidentiality provisions of 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) remain in effect until the entire matter has been closed. The Commission will notify you when the entire file has been closed. In the event you wish to waive confidentiality under 2 U.S.C. § 437g(a)(12)(A), written notice of the waiver must be submitted to the Commission. Receipt of the waiver will be acknowledged in writing by the Commission.

31040324295

William K. Shearer, Esquire  
Page 2

Enclosed you will find copies of the fully executed conciliation agreements for your files. If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosures  
Conciliation Agreements

21040324296

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
Nancy Shearer ) MUR 2719

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that Nancy Shearer ("Respondent") violated 2 U.S.C. § 432(b)(2).

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

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

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

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

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

1. Respondent was an employee of Populist Party of the United States ("PPUS"), a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Pursuant to 2 U.S.C. § 432(b)(2)(A), every person who receives a contribution for an unauthorized political committee shall forward such contribution to the committee's treasurer within 30 days after receiving the contribution.

3. In the course of her employment, on or about April through July 1987, Respondent received 13 contribution checks to PPUS. The checks varied in amount from \$5.00 to \$40.00, and totaled \$240.00. Respondent failed to forward such checks to the treasurer of PPUS, but, instead, forwarded them to the chairman of the committee.

V. Respondent received contribution checks for a political committee, but failed to forward such checks to the committee's treasurer, in violation of 2 U.S.C. § 432(b)(2)(A).

VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of one hundred fifty dollars (\$150.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with the requirement contained in this agreement.

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X. 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 enforceable.

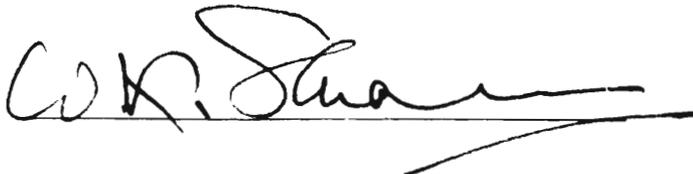
FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

By:   
Lois G. Lerner  
Associate General Counsel

4/8/90  
Date

FOR THE RESPONDENT:



2/9/90  
Date

21040324299

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of  
William Shearer

)  
) MUR 2719  
)

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found reason to believe that William Shearer ("Respondent") violated 2 U.S.C. § 432(b)(2), 432(a), and 432(h)(1) and 11 C.F.R. § 103.3(a).

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

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

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

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

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

1. Respondent was an officer of Populist Party of the United States ("PPUS"), a political committee within the meaning of 2 U.S.C. § 431(4).

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2. Pursuant to 2 U.S.C. § 432(b)(2)(B), every person who receives a contribution for an unauthorized political committee shall forward such contribution, the name and address of the person making the contribution, and the date of receipt of the contribution, to the committee's treasurer within ten days after receiving the contribution.

3. In 1987 Respondent received 17 contribution checks to PPUS varying in amount from \$50.00 to \$1,000.00, and totaling \$5,718.34. Respondent failed to forward such checks, their dates of receipt, or the names and addresses of the contributors, to the treasurer of PPUS, but, instead, returned said checks to the contributors.

4. Pursuant to 2 U.S.C. § 432(a), no expenditure may be made for or on behalf of a political committee without the authorization of the treasurer.

5. In 1987 and 1988 Respondent made, or caused to be made, to creditors of the committee, expenditures totaling \$2,871.75 on behalf of PPUS without the treasurer's authorization.

6. Pursuant to 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a), all receipts received by a political committee must be deposited in a designated depository account, except the committee's treasurer may return contributions to contributors within ten days of receipt.

7. Respondent prevented a total of \$5,718.34 of contributions to PPUS from being deposited in its designated depository account, by unilaterally returning contributions to contributors more than ten days after receiving such

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contributions.

8. Pursuant to 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a), no political committee disbursements may be made except by check or similar draft drawn on a designated depository account.

9. Respondent made, or caused to be made, to creditors of the committee, disbursements totaling \$5,511.35 on behalf of PPUS, other than by checks drawn on its designated depository account.

V. 1. By returning contribution checks to the contributors, rather than forwarding such checks and other required information to the committee's treasurer, Respondent violated 2 U.S.C. § 432(b)(2).

2. By authorizing payments to creditors of a political committee, without the authorization of the committee's treasurer, Respondent violated of 2 U.S.C. § 432(a).

3. By returning contribution checks to the contributors, rather than forwarding them to the committee's treasurer, Respondent prevented contributions to a political committee from being deposited in its designated depository account, in violation of 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a).

4. By authorizing payments to creditors of a political committee, other than by checks drawn on its designated depository account, Respondent violated 2 U.S.C. § 432(h)(1) and 11 C.F.R. § 103.3(a).

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VI. Respondent will pay a civil penalty to the Federal Election Commission in the amount of One Thousand Dollars (\$1000), pursuant to 2 U.S.C. § 437g(a)(5)(A).

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

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

IX. Respondent shall have no more than 30 days from the date this agreement becomes effective to comply with the requirement contained in this agreement.

X. 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 enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

By: Lois G. Lerner  
Lois G. Lerner  
Associate General Counsel

June 11, 1990  
Date

FOR THE RESPONDENT:

W.K. [Signature]

3/9/90  
Date

21040324303

90 JUN 13 AM 10:22

BEFORE THE FEDERAL ELECTION COMMISSION

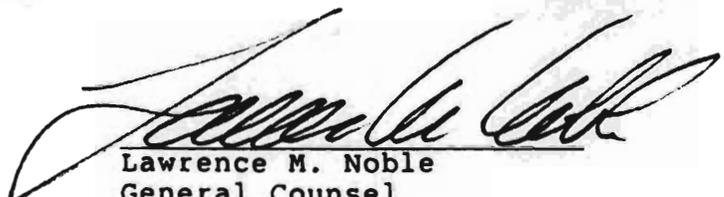
**SENSITIVE**

In the Matter of	)	
	)	
Populist Party of the United	)	MUR 2719
States and Faye Miller, as	)	
treasurer	)	

GENERAL COUNSEL'S REPORT

The Office of the General Counsel is prepared to close the investigation in this matter as to Populist Party of the United States and Faye Miller, as treasurer, based on the assessment of the information presently available.

6/13/90  
Date

  
Lawrence M. Noble  
General Counsel

21040324304

90 JUN 22 PM 3:13



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 22, 1990

**SENSITIVE**

MEMORANDUM

TO: The Commission  
FROM: Lawrence M. Noble  
General Counsel *LMN*  
SUBJECT: MUR 2719

Attached for the Commission's review is a Brief stating the position of the General Counsel on the legal and factual issues of the above-captioned matter. A copy of this Brief and a letter notifying the respondents of the General Counsel's intent to recommend to the Commission a finding of probable cause to believe were mailed on June 22, 1990. Following receipt of the respondents' reply to this notice, this Office will make a further report to the Commission.

Attachments  
Brief  
Letter to respondents

91040324305



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 22, 1990

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

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller, as  
treasurer

Dear Mrs. Miller:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, and information supplied by you and other persons, on October 11, 1988, the Federal Election Commission found reason to believe that Populist Party of the United States (the "Committee") and you, as treasurer, violated 2 U.S.C. § 434(b), and instituted an investigation in 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 violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a Brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days after your receipt of this notice, you may file with the Secretary of the Commission a brief (ten 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 the 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 whether there is 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 for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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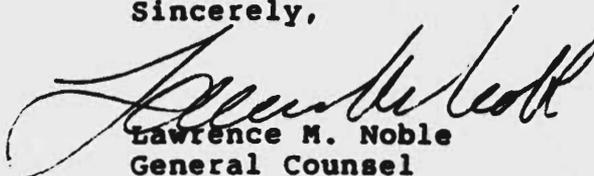
Faye Miller, Treasurer

Page 2

A finding of probable cause to believe requires that the Office of the General Counsel attempt for a period of not less than 30, but not more than 90, days to settle this matter through a conciliation agreement.

Should you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,



Lawrence M. Noble  
General Counsel

Enclosure  
Brief

21040324307

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Populist Party of the United ) MUR 2719  
States and Faye Miller, as )  
treasurer )

GENERAL COUNSEL'S BRIEF

I. STATEMENT OF THE CASE

This matter is the result of a referral from the Commission's Reports Analysis Division due to failures of Populist Party of the United States ("PPUS") to disclose certain information concerning its financial activity on its 1987 and 1988 reports. The Commission found reason to believe that PPUS and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).

II. ANALYSIS

The Act requires political committees, through their treasurers, to disclose on each report a variety of itemized and summary information concerning receipts, disbursements, loans, and debts. 2 U.S.C. § 434(b). For example, each report filed by a political committee must disclose the "identification" of each person who makes a contribution to the committee in excess of \$200 within a calendar year, together with the date and amount of any such contribution. 2 U.S.C. § 434(b)(3)(A). The term "identification" includes the name and address of a person. 2 U.S.C. § 431(13).

Faye Miller lives in Mobile, Alabama. PPUS's administrative offices, however, were located in San Diego, California, home of William Shearer, PPUS's former Parliamentarian, and his daughter, Nancy Shearer, PPUS's former

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office manager. In 1987 a rift developed between Mrs. Miller and the San Diego personnel. As a result, Mrs. Miller was unable to obtain certain financial information involving activity of the San Diego office. She was thus unable to disclose it on FEC reports. Nevertheless, a dispute within the organization does not eliminate the obligation of a political committee and its treasurer to file complete and accurate reports with the Commission. That issue may be a mitigating factor, but it does not absolve the treasurer of responsibility under the Act.

Moreover, the investigation in this matter has revealed that Faye Miller failed to disclose certain information about which she personally did have access. For example, Faye Miller did not disclose on PPUS's 1987 Mid-Year Reports receipt of a \$1,360.40 contribution from William Shearer. That contribution was made with a check dated March 8, 1987, which Faye Miller deposited into PPUS's designated depository account on approximately March 10, 1987. Similarly, Faye Miller did not disclose on PPUS's 1987 Mid-Year Reports receipt of a \$480.00 contribution from American Independent Party California State Central Committee. That contribution was made with a check dated February 5, 1987, which Faye Miller deposited into PPUS's designated depository account on approximately February 17, 1987.

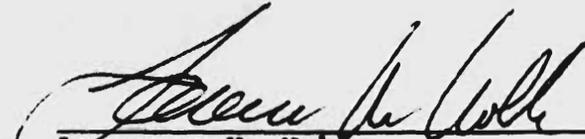
For the foregoing reasons, the General Counsel's Office recommends that the Commission find probable cause to believe PPUS and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).

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3. GENERAL COUNSEL'S RECOMMENDATION

Find probable cause to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).

6/22/90  
Date

  
Lawrence M. Noble  
General Counsel

91040324310



FEDERAL ELECTION COMMISSION  
WASHINGTON D.C. 20463

August 28, 1990

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller, as  
treasurer

Dear Mrs. Miller:

On June 14, 1990, you requested that the Federal Election Commission permit Populist Party of the United States ("Committee") to terminate pursuant to 2 U.S.C. § 433(d) and Section 102.3 of the Commission's Regulations. Because of the ongoing enforcement matter involving your Committee, this request has been denied. Therefore, you are reminded that the Committee must continue to file all the required reports with the Commission until such time as the enforcement matter has been closed as to the Committee.

If you have any questions, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

  
BY: Lois G. Lerner  
Associate General Counsel

21040324311

90 SEP -6 AM 11:53

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of . )  
 )  
Populist Party of the United )  
States and Faye Miller, as )  
treasurer )

MUR 2719

**SENSITIVE**  
**EXECUTIVE SESSION**  
**SEP 18 1990**

GENERAL COUNSEL'S REPORT

I. BACKGROUND

Populist Party of the United States ("PPUS") and its treasurer are the only remaining respondents in this MUR. On June 22, 1990, the General Counsel's Office mailed those respondents a General Counsel's Brief recommending that the Commission find probable cause to believe PPUS and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b). They have not responded to the Brief. On August 1, 1990, a Commission attorney contacted Faye Miller by telephone. In the conversation, Mrs. Miller stated that she had received the General Counsel's Brief, that she was willing to pay a \$100 civil penalty, and that she would send a letter to the Commission in response to the Brief by "this weekend," i.e., August 4-5. The Commission has received no such letter.<sup>1</sup>

For the reasons stated in the General Counsel's Brief, this

1. Ms. Miller has failed to follow up on similar statements in the past. On October 18, 1989, Mrs. Miller told a Commission attorney that she would send a letter requesting pre-probable cause conciliation. On November 2, 1989, she stated that she would send the letter "tomorrow." On December 13, 1989, Mrs. Miller again stated that she would put a conciliation request in the mail "tomorrow." On January 31, 1990, Mrs. Miller said she would get a request in the mail "today." In fact, Mrs. Miller never sent any pre-probable cause conciliation request to the Commission.

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Office recommends that the Commission find probable cause to believe PPUS and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).

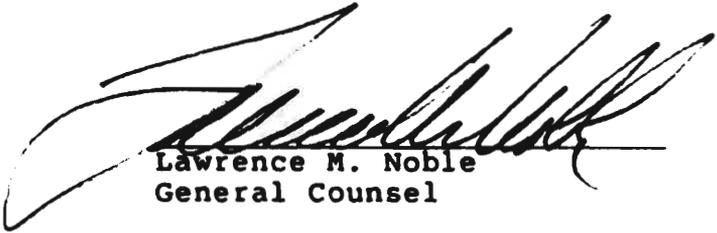
II. DISCUSSION OF CONCILIATION PROVISIONS

III. RECOMMENDATIONS

1. Find probable cause to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).
2. Approve the attached Conciliation Agreement.
3. Approve the appropriate letter.

Date

7/5/90

  
Lawrence M. Noble  
General Counsel

Attachment  
Conciliation Agreement

Staff Member: R. Raich

91040324313

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Populist Party of the United ) MUR 2719  
States and Faye Miller, as )  
treasurer. )

CERTIFICATION

I, Hilda Arnold, recording secretary for the Federal Election Commission Executive Session of October 4, 1990, do hereby certify that the Commission decided by a vote of 5-0 to take the following actions in MUR 2719:

1. Find probable cause to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b).
2. Approve the conciliation agreement attached to the General Counsel's Report dated September 5, 1990.
3. Approve the appropriate letter as recommended in the General Counsel's Report dated September 5, 1990.

Commissioners Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision. Commissioner Aikens was absent.

Attest:

Oct. 5, 1990  
Date

Hilda Arnold  
Hilda Arnold  
Administrative Assistant

91040324314



FEDERAL ELECTION COMMISSION

WASHINGTON D.C. 20463

October 12, 1990

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller, as  
treasurer

Dear Mrs. Miller:

On October 4, 1990, the Federal Election Commission found that there is probable cause to believe Populist Party of the United States and you, as treasurer, violated 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended, in connection with improper reporting.

The Commission has a duty to attempt to correct such violations for a period of 30 to 90 days by informal methods of conference, conciliation, and persuasion, and by entering into a conciliation agreement with a respondent. If we are unable to reach an agreement during that period, the Commission may institute a civil suit in United States District Court and seek payment of a civil penalty.

Enclosed is a conciliation agreement that the Commission has approved 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 accept the agreement. Please make your check for the civil penalty payable to the Federal Election Commission.

If you have any questions or suggestions for changes in the enclosed conciliation agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Robert Raich, the attorney handling this matter, at (202) 376-8200.

Sincerely,

Lawrence M. Noble  
General Counsel

Enclosure  
Conciliation Agreement

91040324315



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 20, 1990

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

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller,  
as treasurer

Dear Mrs. Miller:

On October 12, 1990, you were notified that the Federal Election Commission found probable cause to believe that Populist Party of the United States and you as treasurer violated 2 U.S.C. § 434(b). On that same date, you were sent a conciliation agreement offered by the Commission in settlement of this matter.

Please note that pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), the conciliation period in this matter may not extend for more than 90 days, but may cease after 30 days. Insofar as more than 30 days have elapsed without a response from you, a recommendation concerning the filing of a civil suit will be made to the Commission by the Office of the General Counsel unless we receive a response from you within 10 days of receipt of this letter.

Should you have any questions, please contact Jonathan Bernstein of this Office at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY: Jonathan Bernstein  
Assistant General Counsel

91040324316

OGC 9203

---CERTIFIED - RETURN RECEIVED FEDERAL ELECTION COMMISSION OFFICE SERVICES BRANCH

1921 Summer Pl Dr W  
Mobile, Al 36618

91 JAN -3 AM 10:47

December 29, 1990

Federal Election Commission  
Washington, D.C. 20463

Gentlemen:

Attached hereto is the following:

- 1. Letter and Conciliation Agreement - MUR 2719
- 2. Letter in answer to your November 29, 1990 letter

The above two enclosures pertain to the Populist Party of the United States.

Will whomsoever receives this package please distribute the above two mentioned letters to the proper person or department.

Very truly yours  
*Faye G. Miller*  
Faye G. Miller

Enclosures

21040324317

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF LEGAL COUNSEL  
91 JAN -3 PM 12:20

CERTIFIED ---RETURN RECEIPT

1921 Summer Place Drive West  
Mobile, Ala. 36618

December 29, 1990

Federal Election Commission  
Washington, D.C.

Conciliation Agreement  
MUR 2719  
Populist Party of the United States

Gentlemen:

Attached is the aforementioned Conciliation Agreement.

While the amount offered here may appear to be frivolous, it is not intended to be. As I have discussed with your Mr. Raich before regarding such matters involving the Populist Party of the United States, this organization has not been active insofar as I know since early 1987. At least, it is at that time that all collections, etc. that may have come to the William K. Shearer residence in San Diego were not forwarded to me as they should have been. Neither was any correspondence or contact in any way made available to me.

In spite of this fact, I was totally unable to file correct reports, but did make the only effort I knew how to and filed reports, citing all the above reasons I was unable to properly comply with the regulations.

I offer this amount of payment in an effort to bring this MUR to a completion insofar as I am concerned.

My financial status is such that I can only offer this much. I am a widow, completely taken care of financially by my son. And do not have a job or any means of paying more.

I trust you will accept this offer as being offered in good faith and aimed toward bringing an unpleasant matter to an end.

Permit me to say here, also: I have been out of Mobile since October 6 and did not return until December 19. I mention this to explain that I was not evading your contact.

Very truly yours

Faye G. Miller

*Faye G. Miller*

21040324318

RECEIVED  
FEDERAL ELECTION COMMISSION

91 JAN 11 PM 2:43

BEFORE THE FEDERAL ELECTION COMMISSION

**SENSITIVE**

In the Matter of	)	
	)	
Populist Party of the United States and Faye Miller, as treasurer	)	MUR 2719
William Shearer	)	
Nancy Shearer	)	

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 4, 1990, the Commission found probable cause to believe that Populist Party of the United States ("PPUS") and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b). This Office notified Ms. Miller of the Commission's findings by letter dated October 12, 1990, and enclosed a proposed conciliation agreement. This Office mailed a follow-up letter by certified mail to Ms. Miller on November 20, 1990. This letter was returned as unclaimed and this Office remailed it by first class mail.

On January 4, 1990, the treasurer responded (Attachment), explaining that she had been absent from home from October through mid-December and had not been evading the Commission's processes.

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Under all the circumstances involved, this Office recommends that the Commission accept this agreement in settlement of this matter.<sup>1</sup>

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II. RECOMMENDATIONS

1. Approve the attached Conciliation Agreement with Populist Party of the United States and Faye Miller, as treasurer, in settlement of this matter.

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1. We note that the Committee has failed to file reports since its 1990 July Quarterly Report, which was denoted a termination report and which disclosed no financial activity. This Office wrote the Committee on August 28, 1990 stating that it could not terminate until this matter was concluded and must continue filing reports. On August 31, 1990, through administrative inadvertence the Reports Analysis Division ("RAD") informed the treasurer that the July filing was accepted as a valid termination. This was corrected and on November 29, 1990 RAD sent the Committee a nonfiler notice requiring the filing of the 1990 October Quarterly Report.

2. Close the file.
3. Approve the appropriate letters.

Lawrence M. Noble  
General Counsel

1/11/91  
Date

BY:   
Lois G. Lerner  
Associate General Counsel

Attachment  
Submission and Conciliation Agreement

Staff Member: J. Bernstein

91040324321

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Populist Party of the United ) MUR 2719  
States and Faye Miller, as )  
treasurer; William Shearer; )  
Nancy Shearer. )

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 16, 1991, the Commission decided by a vote of 5-0 to take the following actions in MUR 2719:

1. Approve the Conciliation Agreement with Populist Party of the United States and Faye Miller, as treasurer, in settlement of this matter, as recommended in the General Counsel's Report dated January 11, 1991.
2. Close the file.
3. Approve the appropriate letters, as recommended in the General Counsel's Report dated January 11, 1991.

Commissioners Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision; Commissioner Aikens did not cast a vote.

Attest:

Jan 16, 1991  
Date

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

Received in the Secretariat: Friday, January 11, 1991 2:43 p.m.  
Circulated to the Commission: Monday, January 14, 1991 11:00 a.m.  
Deadline for vote: Wednesday, January 16, 1991 11:00 a.m.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 23, 1991

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

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller,  
as treasurer

Dear Mrs. Miller:

On January 16, 1991, the Federal Election Commission accepted the signed conciliation agreement submitted by you in settlement of a violation of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter. Please note that the civil penalty is due within 30 days. Furthermore, you must also file an amended report as required by the agreement. We trust that you will carry out the obligations contained in this agreement to finally put an end to this matter and obviate the need for further proceedings.

This matter will become a part of the public record within 30 days. If you wish to submit any factual or legal materials to appear on the public record, please do so within ten days. Such materials should be sent to the Office of the General Counsel. Please be advised that information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B). The enclosed conciliation agreement, however, will become a part of the public record.

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Faye Miller, Treasurer  
Page Two

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact Jonathan Bernstein, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,

Lawrence M. Noble  
General Counsel



BY: Lois G. Lerner  
Associate General Counsel

Enclosure  
Conciliation Agreement

91040324324

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Populist Party of the United ) MUR 2719  
States and Faye Miller, as )  
treasurer )

CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that Populist Party of the United States and Faye Miller, as treasurer, ("Respondents") violated 2 U.S.C. § 434(b).

NOW, THEREFORE, the Commission and the 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 his matter.

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

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

1. Populist Party of the United States is a political committee within the meaning of 2 U.S.C. § 431(4).

2. Faye Miller is the treasurer of Populist Party of the United States.

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3. Pursuant to 2 U.S.C. § 434(b), a political committee, through its treasurer, must disclose on each report a variety of itemized and summary information concerning receipts, disbursements, loans, and debts. Pursuant to 2 U.S.C. § 434(b)(3)(A), each report filed by a political committee must disclose the identification of each person who makes a contribution to the committee in excess of \$200 within a calendar year, together with the date and amount of any such contribution.

3. Respondents failed to disclose certain information required on reports filed with the Commission.

4. Respondents did not disclose on their 1987 Mid-Year Reports receipt of a \$1,360.40 contribution from William Shearer. That contribution was made with a check dated March 8, 1987, which respondents deposited into their designated depository account on approximately March 10, 1987.

5. Respondents did not disclose on their 1987 Mid-Year Reports receipt of a \$480.00 contribution from American Independent Party California State Central Committee. That contribution was made with a check dated February 5, 1987, which respondents deposited into their designated depository account on approximately February 17, 1987.

V. Respondents failed to disclose required information on their reports filed with the Commission, in violation of 2 U.S.C. § 434(b).

VI. 1. Respondents will pay a civil penalty to the Federal Election Commission in the amount of One Hundred dollars

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(\$100.00), pursuant to 2 U.S.C. § 437g(a)(5)(A).

2. Respondents will file an amended report itemizing the missing contributions.

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

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

IX. 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.

X. 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

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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:

Lawrence M. Noble  
General Counsel

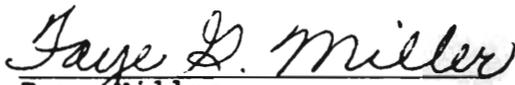
BY:

  
Lois G. Lerner  
Associate General Counsel

Date

1/23/91

FOR THE RESPONDENTS:

  
Faye Miller  
Treasurer

Date

December 29, 1990.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

January 23, 1991

William K. Shearer, Esquire  
Duke, Gerstel, Shearer & Bregante  
101 West Broadway, Sixth Floor  
San Diego, California 92101

RE: MUR 2719  
William Shearer  
Nancy Shearer

Dear Mr. Shearer:

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 30 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 ten days. Such materials should be sent to the Office of the General Counsel.

Should you have any questions, please contact Jonathan Bernstein, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble  
General Counsel

BY:   
Lois G. Lerner  
Associate General Counsel

21040324329



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 2719

DATE FILMED 2/13/91 CAMERA NO. 4

CAMERAMAN AS

21040324330



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO  
THE PUBLIC RECORD IN CLOSED MUR 2719.  
6/20/91

91040845385



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 28, 1991

**CLOSED**

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

Faye Miller, Treasurer  
Populist Party of the United States  
1921 Summer Place Drive, West  
Mobile, Alabama 36618

RE: MUR 2719  
Populist Party of the United  
States and Faye Miller,  
as treasurer

Dear Mrs. Miller:

On January 23, 1991, the Federal Election Commission and the Populist Party of the United States, and you as treasurer entered into a conciliation agreement in settlement of violations of 2 U.S.C. § 434(b), a provision of the Federal Election Campaign Act of 1971, as amended. According to the agreement, you were required to pay a civil penalty of \$100 and also to file an amended FEC report. By letter dated January 23rd, the Commission forwarded to you a copy of this agreement, and specifically noted in the letter "We trust that you will carry out the obligations contained in this agreement to finally put an end to this matter and obviate the need for further proceedings." You signed for receipt of this letter on February 8, 1991.

According to Commission records, neither your payment of the civil penalty nor your amended FEC report have been received. Please be advised that, pursuant to 2 U.S.C. § 437g(a)(5)(D), violation of any provision of the conciliation agreement may result in the institution of a civil suit for relief in the United States District Court. Unless you comply with the conciliation agreement within five days of receipt of this letter, this Office will recommend that the Commission file suit to remedy this violation.

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Faye Miller, Treasurer  
Page Two

If you believe the Commission's records are in error, or if you have any questions, please contact Jonathan Bernstein, the attorney assigned to this matter, at (800) 424-9530.

Sincerely,

Lawrence M. Noble  
General Counsel



BY: Lois G. Lerner  
Associate General Counsel

91040845387



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

THE FOLLOWING DOCUMENTATION IS ADDED TO

THE PUBLIC RECORD IN CLOSED MUR 2719.

11/8/91

91040374791

OC 2988

1921 Summer Place Drive West  
Mobile, Al 36618

September 20, 1991

CERTIFIED .....RETURN RECEIPT

**CLOSED**

Mr. Jonathan Bernstein  
Federal Election Commission  
999 "E" Street NW  
Washington, D.C. 20463

Re: PUR 2719  
Populist Party of U S.

FEDERAL ELECTION COMMISSION  
SEP 21 10:40 AM '91

Dear Mr. Bernstein:

Attached is money order in the amount of \$100.00 covering payment in full for penalty assessed for failure to include two items on report for Populist Party of the United States.

At the time we discussed this yesterday, September 19, you ask that I forward this money order without the Amended Report as I have misplaced the correspondence wherein the two amounts - both pertaining to amounts from the State of California and William K. Shearer, personally. As soon as convenient, please let me have these two figures and the Amended Report will be completed.

Very truly yours

*Faye G. Miller*

Faye G. Miller

Encl: Circle K Corporation # 42201123  
Amt. \$100.00

91091-1 PM 1:37

FEDERAL ELECTION COMMISSION

91040374792



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Oct 1, 1991

**TWO WAY MEMORANDUM**

**TO:** Fabrae Brunson  
OGC, Docket

**FROM:** Philomena Brooks *PB*  
Accounting Technician

**SUBJECT:** Account Determination for Funds Received

We recently received a check from The Circle K Corp, ~~check~~ number 422011233, dated Sept 20, 1991, and in the amount of \$ 100.00. Attached is a copy of the check and any correspondence that was forwarded. Please indicate below the account into which it should be deposited, and the MUR number and name.

-----  
**TO:** Philomena Brooks  
Accounting Technician

**FROM:** Fabrae Brunson *FB*  
OGC, Docket

In reference to the above check in the amount of \$ 100.00, the MUR number is 2719 and in the name of Payroll Payments to the United States. The account into which it should be deposited is indicated below:

- Budget Clearing Account (OGC), 95F3875.16
- Civil Penalties Account, 95-1099.160
- Other: \_\_\_\_\_

Fabrae Brunson  
Signature

Oct 2, 1991  
Date

91040874793

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SOLELY BY THE CIRCLE K CORPORATION		<b>THE CIRCLE K CORPORATION</b> ISSUER PHOENIX ARIZONA	NOT GOOD FOR OVER \$200.00 <b>42201123</b> <span style="border: 1px solid black; padding: 2px;">3</span>
	PAY THE SUM OF <b>ONE HUNDRED AND 00/100 DOLLARS**</b>	DATE <b>09/20/91</b>	
	PAY TO THE ORDER OF	<b>Federal Election Commission</b>	
	PURCHASER Payable Through Citibank Delaware One Penn's Way New Castle DE 19720	<b>Faye G. Miller</b> 300: Pmt. in full C00201343 MUR # 2719 <b>Populist Party U.S.</b>	ADDRESS <b>1821 Summer Pl. De W</b> <b>Mobile, Al</b>

THIS MONEY ORDER MUST BE PAID AT THE STORE NO. AND APPROVED SIGNATURE

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38724178⑈