



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 554

7804015111





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON DC 20463

April 4, 1978

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 554 (78)

Dear Mr. Luellen:

The Federal Election Commission has reviewed the allegations of your complaint dated March 18, 1978, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("The Act") has occurred.

Accordingly, upon my recommendation, the Commission has decided to close its file in this matter and, in the absence of any apparent violation, to make no referral to the Department of Justice.

Title 18, Section 595, which you cite throughout your complaint, is under the jurisdiction of the Department of Justice. Should you wish that Department to consider whether any violation under this section has occurred, you are free to redirect your complaint to the Public Integrity Section of the Justice Department for appropriate attention.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 554(73).

Sincerely,

William C. Oldaker
General Counsel



73040052103

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 554 (78)
)
G. Robert Kirby)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 31, 1978, the Commission approved the recommendations of the General Counsel to find no reason to believe that the Act has been violated and to send the letter attached to the General Counsel's Report.

The file in the above-captioned matter has been closed.

3-31-78

Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Report dated: March 30, 1978
Received in Office of Commission Secretary: March 30, 1978, 11:06
Circulated on 24 hour no-objection basis: March 30, 1978, 4:00

73040752117

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 554 (78)

Dear Mr. Luellen:

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Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 554(78).

Sincerely,

William C. Oldaker
General Counsel

78040032410
FJR: 4/3/78

March 30, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 554

Please have the attached 7 day report on MUR 554 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL MAR 30 1978
BY OGC TO THE COMMISSION _____

MUR NO. 554(78)
DATE COMPLAINT RECEIVED
BY OGC March 24, 1978
STAFF
MEMBER Kellett

COMPLAINANT'S NAME: Robert J. Luellen

RESPONDENT'S NAME: G. Robert Kirby, Chairman
Henry County Republican Party
1309 Race Street
New Castle, Indiana 47362

RELEVANT STATUTE: 18 U.S.C. §595

INTERNAL REPORTS CHECKED:

FEDERAL AGENCIES CHECKED:

SUMMARY OF ALLEGATIONS

In a notarized complaint dated March 18, 1978, complainant states that the Henry County Republican Party is a political subdivision of the United States government and the county party chairman is therefore an employee of the United States within the meaning of 18 U.S.C. §595. Complainant further states that respondent interfered with his campaign for federal office in violation of §595 by "willfully ignoring" his request for a place on the speaker's stand at a Lincoln Day dinner sponsored by the county organization.

PRELIMINARY LEGAL ANALYSIS

Section 595 of Title 18, United States Code, prohibits interference with the nomination or election of federal candidates by persons employed in any administrative position with the United States, or with any State, Territory, or Possession of the United States.

The Henry County Republican Party is not a subdivision of the United States government within the meaning of 18 U.S.C. §595. Respondent, in his capacity as county party chairman, is not an employee of the United States government.

Under 2 U.S.C. §437d(a)(10), the Commission may refer "apparent" violations to appropriate law enforcement authorities. No apparent violation of any laws is stated by complainant.

RECOMMENDATION

Find no reason to believe that respondent is in violation of the Act; send attached letter; and close the file in this matter.

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FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20543

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 554 (78)

Dear Mr. Luellen:

The Federal Election Commission has reviewed the allegations of your complaint dated March 18, 1978, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("The Act") has occurred.

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Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 554(78).

Sincerely,

William C. Oldaker
General Counsel



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FEDERAL ELECTION COMMISSION

1155 K STREET NW
WASHINGTON DC 20463

March 28, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Robert Luellen
1521 Castle Hills Drive
New Castle, Indiana

Re: MUR 554

Dear Mr. Luellen:

This is to acknowledge receipt of your complaint of March 18, 1978, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



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FEDERAL ELECTION COMMISSION

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

THIS IS THE END OF MUR #

554

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