



FEDERAL ELECTION COMMISSION

125 K STREET N.W.  
WASHINGTON, D.C. 20461

THIS IS THE END OF ROL # 595

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FEDERAL ELECTION COMMISSION

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

December 8, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595 (78)

Dear Mr. Dolan:

The Federal Election Commission has reviewed the allegations of your complaint dated May 12, 1978 and has determined that on the basis of the information you provided, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended (the "Act") has been committed.

The Commission by letter to you dated July 28, 1978 requested that you provide the Commission with information setting forth the legal basis on which the Democratic National Committee had violated the Act and stating with appropriate documentation what acts the Democratic National Committee had committed. You did not respond to the letter or provide the Commission with information which would set forth a basis for the complaint.

Accordingly, upon my recommendation the Commission has decided to close its file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

79710101333



FEDERAL ELECTION COMMISSION

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

December 8, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Evan Dobelle  
Treasurer  
Democratic National Committee  
1625 Massachusetts Avenue, N. W.  
Washington, D. C.

Re: MUR 595 (78)

Dear Mr. Dobelle:

I am forwarding for your information the enclosed complaint which was received by the Commission.

The Commission has determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close its file on the matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

7001101331

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

595 Johansen

1 The following service is requested (check one)  
 Show to whom and date delivered  
 Show to whom, date, and address of delivery  
 RESTRICTED DELIVERY  
 Show to whom and date delivered  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$  
 CONSULT POSTMASTER FOR FEES

2 ARTICLE ADDRESSED TO  
 Evan Dobelle

3 ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 743232

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE Addressee Authorized agent

4 DATE OF DELIVERY POSTMARK

5 ADDRESS (Complete only if requested)

6 UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

☆GPO 1977-0-249595

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

595 Johansen

1 The following service is requested (check one)  
 Show to whom and date delivered \_\_\_\_\_ C  
 Show to whom, date, and address of delivery \_\_\_\_\_ C  
 RESTRICTED DELIVERY  
 Show to whom and date delivered \_\_\_\_\_ C  
 RESTRICTED DELIVERY  
 Show to whom, date, and address of delivery \$  
 CONSULT POSTMASTER FOR FEES

2 ARTICLE ADDRESSED TO  
 John J. Orlan

3 ARTICLE DESCRIPTION  
 REGISTERED NO. CERTIFIED NO. INSURED NO.  
 743230

(Always obtain signature of addressee or agent)

I have received the article described above  
 SIGNATURE Addressee Authorized agent

4 DATE OF DELIVERY POSTMARK  
 12 13 75

5 ADDRESS (Complete only if requested)  
 3129 S 14 ST  
 Hel. Grove LA 70004

6 UNABLE TO DELIVER BECAUSE CLERK'S INITIALS

☆GPO 1977-0-249595

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Democratic National ) MUR 595 (78)  
Committee )

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on December 7, 1978, the Commission determined by a vote of 6-0 to adopt the following recommendations, as set forth in the General Counsel's Report dated December 4, 1978, regarding the above-captioned matter:

1. Find no reason to believe that the Democratic National Committee has violated 2 U.S.C. §441a.
2. Send the letters attached to the above-named report.

Attest:

12/7/78

Date



Marjorie W. Emmons  
Secretary to the Commission

Received in Office of Commission Secretary: 12-4-78, 5:21  
Circulated on 48 hour vote basis: 12-5-78, 12:00

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December 4, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 595

Please have the attached General Counsel's Report on MUR 595 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040104385



mail on August 3, 1978. As of November 27, 1978 Mr. Dolan has not responded to the letter.

ANALYSIS

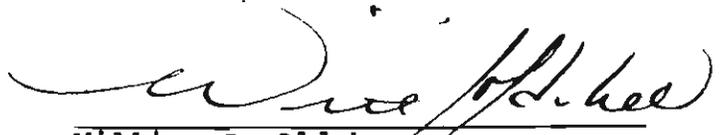
2 U.S.C. § 437g(a)(1) and 11 CFR § 111.2 require that all complaints filed with the Commission must contain a legal basis for the alleged violation, a clear and concise statement of the acts which are alleged to constitute a violation of the Act and any documentation of allegations available to the complainant. The Commission in its letter of July 28, 1978, requested that the complainant, Mr. Dolan, provide this information. Although Mr. Dolan has been given more than sufficient time to respond, he has not done so. As Mr. Dolan has failed to provide the Commission with information which would set forth a basis for the complaint, the Office of General Counsel recommends that the Commission find no reason to believe that the Democratic National Committee has violated 2 U.S.C. § 441a.

RECOMMENDATIONS

1. Find no reason to believe that the Democratic National Committee has violated 2 U.S.C. § 441a.
2. Send the attached letters.

3. Close the file.

12/4/78  
DATE

  
William C. Oldaker  
General Counsel

Attachments:

1. Letter dated 7/28/78 to John T. Dolan.
2. Proposed letters to complainant and respondent.

20010101330



FEDERAL ELECTION COMMISSION

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

July 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595(78)

Dear Mr. Dolan:

This letter acknowledges receipt of your complaint of May 12, 1978, in which you allege that the Democratic National Committee ("DNC"), has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Your complaint raises the same issues that were raised in a law suit which you filed against the Federal Election Commission on February 15, 1978. In that suit the court granted the Commission's Motion to Dismiss and for Summary Judgment. NCPAC v. FEC, No. 78-0270 (D.D.C. April 28, 1978, appeal docketed, No. 78-1543 D.C. Cir. June 15, 1978).

The Commission is not empowered to take action on a complaint filed pursuant to 2 U.S.C. § 437g unless the complaint complies with certain statutory requirements. 2 U.S.C. § 437g(a)(1); 11 CFR § 111.2. Specifically, the complaint must contain a legal basis for the alleged violation, a clear and concise statement of the acts which are alleged to constitute a violation of the Act and any documentation of allegations of the complaint available to the complainant.

In your complaint you do not state a legal basis on which the DNC has violated the Act, nor do you state or document what acts have been committed by the DNC.



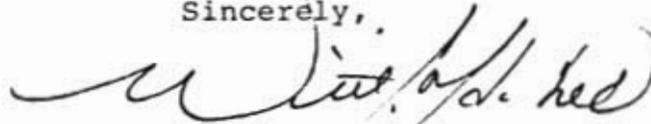
Your complaint merely purports that you rely on "the court papers filed in the related case NCPAC v. FEC, Civil Action No. 78-0270. . ." and that the DNC "has or is about to violate 2 U.S.C. § 441a by soliciting and receiving contributions in excess of the limits provided in § 441a . . . ."

In your court papers you state among other things that you have information and legal argument which you would like to present and which would persuade the Commission that AO 1978-1 violates the law, that 11 CFR § 110.1(g) is contrary to law, and that the DNC's actions are in violation of the contribution limitations of 2 U.S.C. § 441a. See, e.g., Complaint filed in NCPAC v. FEC, Third Cause of Action, p. 6. However, you have not included such information or a legal basis upon which the Commission could make such a determination in your complaint.

Further, you do not state particulars as to what acts the DNC has committed which cause it to be in violation of the Act. Nor do you enclose any documentation available to you of these acts.

If you have information for the Commission in terms of a legal basis for finding a violation of the Act or what acts the DNC has committed with appropriate documentation, please submit it to the Commission by August 10, 1978. Otherwise, the Commission will proceed with your complaint accordingly. If for some reason you need additional time to gather and prepare these materials, please contact Gary Johansen at (202) 523-4175, the attorney assigned to handle this complaint, and a reasonable extension of time can be stipulated.

Sincerely,



William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595(78)

Dear Mr. Dolan:

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The Commission by letter to you dated July 28, 1978 requested that you provide the Commission with information setting forth the legal basis on which the Democratic National Committee had violated the Act and stating with appropriate documentation what acts the Democratic National Committee had committed. You did not respond to the letter or provide the Commission with information which would set forth a basis for the complaint.

Accordingly, upon my recommendation the Commission has decided to close its file in this matter.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me.

Sincerely,

William C. Oldaker  
General Counsel

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FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Evan Dobelle  
Treasurer  
Democratic National Committee  
1625 Massachusetts Avenue, N. W.  
Washington, D. C.

Re: MUR 595 (78)

Dear Mr. Dobelle:

I am forwarding for your information the enclosed complaint which was received by the Commission.

The Commission has determined that on the basis of the information in the complaint there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission intends to close its file on the matter.

Sincerely,

William C. Oldaker  
General Counsel

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FEDERAL ELECTION COMMISSION

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

July 28, 1978

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595(78)

Dear Mr. Dolan:

This letter acknowledges receipt of your complaint of May 12, 1978, in which you allege that the Democratic National Committee ("DNC"), has violated the Federal Election Campaign Act of 1971, as amended ("the Act"). Your complaint raises the same issues that were raised in a law suit which you filed against the Federal Election Commission on February 15, 1978. In that suit the court granted the Commission's Motion to Dismiss and for Summary Judgment. NCPAC v. FEC, No. 78-0270 (D.D.C. April 28, 1978, appeal docketed, No. 78-1543 D.C. Cir. June 15, 1978).

The Commission is not empowered to take action on a complaint filed pursuant to 2 U.S.C. § 437g unless the complaint complies with certain statutory requirements. 2 U.S.C. § 437g(a)(1); 11 CFR § 111.2. Specifically, the complaint must contain a legal basis for the alleged violation, a clear and concise statement of the acts which are alleged to constitute a violation of the Act and any documentation of allegations of the complaint available to the complainant.

In your complaint you do not state a legal basis on which the DNC has violated the Act, nor do you state or document what acts have been committed by the DNC.



Your complaint merely purports that you rely on "the court papers filed in the related case NCPAC v. FEC, Civil Action No. 78-0270. . ." and that the DNC "has or is about to violate 2 U.S.C. § 441a by soliciting and receiving contributions in excess of the limits provided in § 441a . . . ."

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Further, you do not state particulars as to what acts the DNC has committed which cause it to be in violation of the Act. Nor do you enclose any documentation available to you of these acts.

If you have information for the Commission in terms of a legal basis for finding a violation of the Act or what acts the DNC has committed with appropriate documentation, please submit it to the Commission by August 10, 1978. Otherwise, the Commission will proceed with your complaint accordingly. If for some reason you need additional time to gather and prepare these materials, please contact Gary Johansen at (202) 523-4175, the attorney assigned to handle this complaint, and a

52  
MUR 395

1 The following service is requested (check one) <input checked="" type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> Show to whom, date, and address of delivery <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom, date, and address of delivery \$ (CONSULT POSTMASTER FOR FEES)	
2 ARTICLE ADDRESSED TO Mrs. John T. Dolan 3129 S. 14th St. Arlington VA. 22204	
3 ARTICLE DESCRIPTION REGISTERED NO. 443914	CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent) I have received the article described above SIGNATURE <i>[Signature]</i> <input type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4 DATE OF DELIVERY	POSTMARK 1978 6/16
5 ADDRESS (complete only if registered) 5007A STATION 35 33 - Arlington VA	
6 UNABLE TO DELIVER BECAUSE CLERK'S INITIALS <i>[Initials]</i>	

PS Form 3811 Apr 1977 2000 1977-0-349-585



July 24, 1978

MEMORANDUM TO: Marge Emmons  
FROM: Elissa T. Garr  
SUBJECT: MUR 595

Please have the attached 7 day report on MUR 595  
distributed to the Commission on a 48 hour tally basis.

Thank you.

79040104397

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL  
BY OGC TO THE COMMISSION JUL 24 1978

MUR NO. 595(78)  
DATE COMPLAINT RECEIVED  
BY OGC May 12, 1978  
STAFF  
MEMBER Gary Johansen

COMPLAINANT'S NAME: John T. Dolan

RESPONDENT'S NAME: Democratic National Committee

RELEVANT STATUTE: 2 U.S.C. § 441a

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Mr. Dolan alleges that the Democratic National Committee has or is about to violate 2 U.S.C. § 441a by soliciting and receiving contributions to retire debts incurred for pre-1975 elections in excess of § 441a limits.

BACKGROUND

On February 15, 1978 the National Conservative Political Action Committee and John Dolan filed a law suit against the Commission and the Democratic National Committee requesting that the Court declare illegal the Commission's regulation 11 C.F.R. § 110.1(g),

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that the Court declare invalid the Commission's Advisory Opinion 1978-1, and that the Democratic National Committee be estopped from soliciting and receiving contributions to retire debts incurred for pre-1975 elections in excess of 2 U.S.C. § 411a limits. The Young Republican National Federation and Robert Stone were subsequently joined as plaintiffs. The issues that Mr. Dolan raises in his complaint are the same issues that were raised in the law suit.

On April 28, 1978 the Court entered an order granting the Commission's Motion to Dismiss and for Summary Judgment. On May 9, 1978 plaintiffs filed a notice of appeal and on June 15, 1978 the appeal was docketed.

In a proposed letter to the complainant (Attachment I) the General Counsel's Office has asked for further information explaining the complainants' legal basis for believing the Democratic National Committee has violated 2 U.S.C. § 441a. Further, the letter requests the complainant to set out what acts the Democratic National Committee has committed which have violated 2 U.S.C. § 441a and to document those acts.

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RECEIVED  
FEDERAL ELECTION  
COMMISSION

1005532  
MUR 595

IN RE COMPLAINT AGAINST )  
THE DEMOCRATIC NATIONAL COMM. )

'78 MAY 12. PM 12:50  
MUR: \_\_\_\_\_

COMPLAINT

Pursuant to 2 U.S.C. 437g and 11 C.F.R. 111.2, the undersigned hereby files this complaint with the Federal Election Commission and states that the Democratic National Committee has or is about to violate 2 U.S.C. 441a by soliciting and receiving contributions in excess of the limits provided in in Section 441a. The information concerning this violation has been obtained from Advisory Opinion Request 1978-1 which is in your possession. The undersigned also refers the Commission to the court papers filed in the related case NCPAC v. FEC, Civil Action No. 78-0270, copies of which are in your possession.

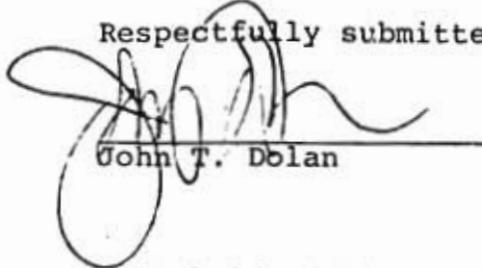
The undersigned is not filing the complaint on the behalf of or at the request or suggestion of a candidate.

This complaint does not imply any waiver of rights that the undersigned as plaintiffs may have in the related case, and that this complaint is filed in the expectation that the FEC will, as required by the law, expeditiously act on this complaint. Inasmuch as the FEC has issued an opinion of an advisory nature which has been labelled Advisory Opinion 1978-1 on February 14, 1978 which appears dispositive of the issue, the complainant hereby requests a prompt resolution of this complaint in the interests of all parties concerned.

790101400

Home address -  
3129 S. 14<sup>th</sup> S  
Arlington, Va 22204  
(703) 920-5828

Respectfully submitted,



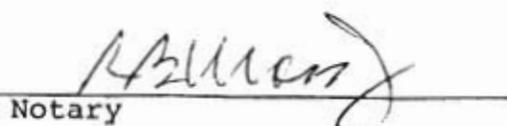
John T. Dolan

on behalf of himself and on  
behalf of

National Conservative Political  
Action Committee

NOTARY STATEMENT

I, John T. Dolan, hereby swear that the above statements  
are true and have appeared this day before a notary public  
and executed this copy of the complaint.



Notary

My Comm. Expires 12/31/2003

79010104401



## FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595(78)

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Further, you do not state particulars as to what acts the DNC has committed which cause it to be in violation of the Act. Nor do you enclose any documentation available to you of these acts.

If you have information for the Commission in terms of a legal basis for finding a violation of the Act or what acts the DNC has committed with appropriate documentation, please submit it to the Commission by August 10, 1978. Otherwise, the Commission will proceed with your complaint accordingly. If for some reason you need additional time to gather and prepare these materials, please contact Gary Johansen at (202) 523-4175, the attorney assigned to handle this complaint, and a reasonable extension of time can be stipulated.

Sincerely,

William C. Oldaker  
General Counsel



FEDERAL ELECTION COMMISSION

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

May 15, 1978

Mr. John T. Dolan  
3129 South 14th Street  
Arlington, Virginia 22204

Re: MUR 595 (78)

Dear Mr. Dolan:

This is to acknowledge receipt of your complaint of May 12, 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 yours,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker  
General Counsel

Enclosure

ACC 3532  
MUR 595

RECEIVED  
FEDERAL ELECTION  
COMMISSION

80269

IN RE COMPLAINT AGAINST )  
THE DEMOCRATIC NATIONAL COMM. )  
\_\_\_\_\_ )

'78 MAY 12 PM 12:50  
MUR: \_\_\_\_\_

COMPLAINT

Pursuant to 2 U.S.C. 437g and 11 C.F.R. 111.2, the undersigned hereby files this complaint with the Federal Election Commission and states that the Democratic National Committee has or is about to violate 2 U.S.C. 441a by soliciting and receiving contributions in excess of the limits provided in in Section 441a. The information concerning this violation has been obtained from Advisory Opinion Request 1978-1 which is in your possession. The undersigned also refers the Commission to the court papers filed in the related case NCPAC v. FEC, Civil Action No. 78-0270, copies of which are in your possession.

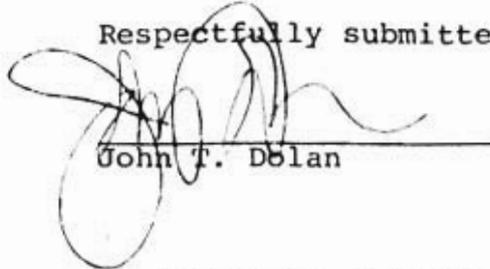
The undersigned is not filing the complaint on the behalf of or at the request or suggestion of a candidate.

This complaint does not imply any waiver of rights that the undersigned as plaintiffs may have in the related case, and that this complaint is filed in the expectation that the FEC will, as required by the law, expeditiously act on this complaint. Inasmuch as the FEC has issued an opinion of an advisory nature which has been labelled Advisory Opinion 1978-1 on February 14, 1978 which appears dispositive of the issue, the complainant hereby requests a prompt resolution of this complaint in the interests of all parties concerned.

70010104403

Home address -  
3129 S. 14<sup>th</sup> S  
Arlington, Va. 22204  
(703) 920-5828

Respectfully submitted,



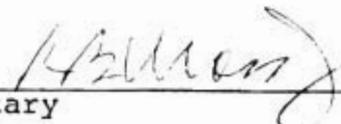
John T. Dolan

on behalf of himself and on  
behalf of

National Conservative Political  
Action Committee

NOTARY STATEMENT

I, John T. Dolan, hereby swear that the above statements  
are true and have appeared this day before a notary public  
and executed this copy of the complaint.



Notary

M:

Feb 1968

79010104405

# National Conservative Political Action Committee

100 Wilson Blvd., Suite 513 Arlington, VA 22209 (703) 522-2800

FEDERAL ELECTION COMMISSION



'78 MAY 17 PM 12:59

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

**CERTIFIED**

No. 15-219

**MAIL**

