

MUR-851 Furniss

SENDER Complete items 1, 2, and 3. Add your address in the RETURN TO space on reverse.

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
 Rep. Larry McDonald

3. ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
 128197

(Always obtain signature of addressee or agent)

I have received the article described above:
 SIGNATURE Addressee Authorized agent

4. DATE OF DELIVERY: 11/30/78
 POSTMARK: NOV 30 78

5. ADDRESS (Complete only if requested):
 SCI CHS

6. UNABLE TO DELIVER BECAUSE: _____ CLERK'S INITIALS: _____

©GPO 1977-0-249-595

MUR-851 Furniss

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©GPO 1977-0-249-595



FEDERAL ELECTION COMMISSION

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

November 29, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry McIntyre, Chairman
Norsworthy for Congress
191 Lawrence Street, 3rd Floor
Marietta, GA 30060

Re: MUR 851

Dear Mr. McIntyre:

The Federal Election Commission has reviewed the allegations of your complaint dated November 6, 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 been committed. If you wish to pursue this matter, the proper place to send your complaint is the House Committee on Standards of Official Conduct.

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

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 851.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

79040104041

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry McIntyre, Chairman
Dorsetworthy for Congress
191 Lawrence Street, 3rd Floor
Marietta, GA 30060

11/29/78
Re: MUR 851

Dear Mr. McIntyre:

The Federal Election Commission has reviewed the allegations of your complaint dated November 6, 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 been committed. If you wish to pursue this matter, the proper place to send your complaint is the House Committee on Standards of Official Conduct.

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

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 851.

Sincerely,

151

William C. Oldaker
General Counsel

79040104044
R-7 - 11/28



FEDERAL ELECTION COMMISSION

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

November 29, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Representative Larry McDonald
U.S. House of Representatives
504 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 851

Dear Congressman McDonald:

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 this matter.

Sincerely,

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

William C. Oldaker
General Counsel

Enclosure

Complaint

79040104045

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Representative Larry McDonald
U.S. House of Representatives
504 Cannon House Office Building
Washington, D.C. 20515

11/29/78

Re: MUR 851

Dear Congressman McDonald:

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 the file on this matter.

Sincerely,

/s/

William C. Oldaker
General Counsel

Enclosures

Complaint

R17 11/28

79040104045

November 22, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 851

Please have the attached First General Counsel's Report on MUR 851 distributed to the Commission on a 48 hour tally basis.

Thank you.

79040104048

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

RECEIVED
OFFICE OF THE
COMMISSIONER

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION NOV 22 1978

78 NOV 22 P 2:37
MUR # 851
DATE COMPLAINT RECEIVED
BY OGC 11/9/78

STAFF MEMBER Furniss

COMPLAINANT'S NAME: Larry McIntyre

RESPONDENT'S NAME: Congressman Larry McDonald

RELEVANT STATUTE: 2 U.S.C. §434(b)(2)

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

In a notarized complaint dated November 6, 1978, Mr. Larry McIntyre, Campaign Manager for Mr. Ernie Norsworthy, the Republican congressional candidate in Georgia's Seventh District, charged the Democratic opponent, Congressman Larry McDonald, with using the services of a "government employee" in his campaign and reimbursing him with campaign funds. Mr. McIntyre claims that the active role of a government employee in a campaign violates federal law.

ANALYSIS

Presuming that Mr. McIntyre is referring to a congressional office staff member, the allegation is based upon the assumption that the United States government is a "person" within the meaning of 2 U.S.C. §431(h) and therefore capable of making a contribution or expenditure requiring reporting under 2 U.S.C. §434(b)(2). The Commission has previously determined that the United States is not a "person" within the meaning of the Act's contribution reporting provisions and that government services do not qualify as campaign expenditures. [See AO's 1976-34, 1976-44 (Congress did not intend that legislatively appropriated funds were "contributions under 2 U.S.C. §431(e)). MURs 077(76), 246(76) (no reason to believe violations of the Act occurred when there was no reporting of services and goods allegedly provided by the Federal Government and a State Government, respectively, to Federal candidates). See also September 28, 1977 correspondence between Chairman Thomas E. Harris and Senator Howard Cannon.]

70040101010

Representative McDonald's use of a government employee in his campaign would not seem to violate the Act as interpreted by the Commission.

RECOMMENDATION

Find no reason to believe that Representative McDonald violated 2 U.S.C. §434(b)(2); close the file; and send the attached letters.

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ATTACHMENTS

1. Complaint
2. Letter to Complainant
3. Letter to Respondent



NORSWORTHY REPUBLICAN for CONGRESS

5557

November 6, 1978

Federal Election Commission
1325 Kay St. NW
Washington, DC 20463

807720

Dear Sirs;

I, as campaign manager of the election committee of Ernie Norsworthy, respectfully submit this complaint against Mr. Lawrence P. McDonald, Democratic Candidate for the 7th District Congressional seat in Georgia.

It has come to my attention through various types of evidence that Mr. Donald C. Vice, who is a government employee, is actively and openly campaigning for Lawrence P. McDonald, Democratic Candidate for the 7th District Congressional seat. This fact can be easily established by various documentary evidence, some of which has been attached to this letter for review by the Federal Election Commission. As you can see by this documentary evidence Donald C. Vice, who is a government employee, is actively campaigning for Lawrence P. McDonald and has been reimbursed on occasion by the committee to elect Lawrence P. McDonald. We are very concerned about this situation as it is in direct violation of a federal law and therefore respectfully submit to the Federal Election Commission, this our formal complaint in the hopes that this commission will be able to take all necessary steps to insure that the candidates themselves comply with the rules and regulations as set forth by the Federal Election Commission and also that the guilty federal employees be punished for their wrong doings.

Sincerely,

LARRY MCINTYRE
Campaign Manager of the Committee to Elect Ernie Norsworthy

NOTARY PUBLIC
11-6-78

P.S. More evidence will be forthcoming.
191 Lawrence Street, 3rd Floor • Marietta, Georgia 30060 • Phone (404) 428-7300

7001010101



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry McIntyre, Chairman
Norsworthy for Congress
191 Lawrence Street, 3rd Floor
Marietta, GA 30060

Re: MUR 851

Dear Mr. McIntyre:

The Federal Election Commission has reviewed the allegations of your complaint dated November 6, 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 been committed. If you wish to pursue this matter, the proper place to send your complaint is the House Committee on Standards of Official Conduct.

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

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 851.

Sincerely,

William C. Oldaker
General Counsel

10403



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Representative Larry McDonald
U.S. House of Representatives
504 Cannon House Office Building
Washington, D.C. 20515

Re: MUR 851

Dear Congressman McDonald:

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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 this matter.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

Complaint

7904010103



FEDERAL ELECTION COMMISSION

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

November 14, 1978

Larry McIntyre
Campaign Manager
Committee to Elect Ernie Norsworthy
191 Lawrence Street
3rd Floor
Marietta, Georgia 30060

Dear Mr. McIntyre:

This is to acknowledge receipt of your complaint of November 6, 1978, alleging violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. A recommendation to the Federal Election Commission as to how this matter will 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 handling complaints.

Sincerely,

A handwritten signature in black ink, appearing to read "Lester N. Scall". The signature is written in a cursive, somewhat stylized font.

Lester N. Scall
Assistant General Counsel

Enclosure

79910101011



NORSWORTHY

REPUBLICAN for CONGRESS

5537

November 6, 1978

Federal Election Commission
 1325 Kay St. NW
 Washington, DC 20463

807720

Dear Sirs;

I, as campaign manager of the election committee of Ernie Norsworthy, respectfully submit this complaint against Mr. Lawrence P. McDonald, Democratic Candidate for the 7th District Congressional seat in Georgia.

It has come to my attention through various types of evidence that Mr. Donald C. Vice, who is a government employee, is actively and openly campaigning for Lawrence P. McDonald, Democratic Candidate for the 7th District Congressional seat. This fact can be easily established by various documentary evidence, some of which has been attached to this letter for review by the Federal Election Commission. As you can see by this documentary evidence Donald C. Vice, who is a government employee, is actively campaigning for Lawrence P. McDonald and has been reimbursed on occasion by the committee to elect Lawrence P. McDonald. We are very concerned about this situation as it is in direct violation of a federal law and therefore respectfully submit to the Federal Election Commission, this our formal complaint in the hopes that this commission will be able to take all necessary steps to insure that the candidates themselves comply with the rules and regulations as set forth by the Federal Election Commission and also that the guilty federal employees be punished for their wrong doings.

Sincerely,

Larry McInyre

LARRY MCINYRE
 Campaign Manager of the Committee to Elect Ernie Norsworthy

Richard H. Hale
 NOTARY PUBLIC
 11-6-78

P.S. More evidence will be forthcoming.
 191 Lawrence Street, 3rd Floor • Marietta, Georgia 30060 • Phone (404) 428-7300

79040104055

04010405

NORSWORTHY
REPUBLICAN for CONGRESS

191 Lawrence Street, 3rd Floor
Marietta, Georgia 30060



NOV 9 PM 11

Federal Election Commission
1325 Kay St. NW
Washington, DC 20463





FEDERAL ELECTION COMMISSION

125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 851

Date Filmed 3/12/79 Camera No. --- 2

Cameraman BPC

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