



FEDERAL ELECTION COMMISSION

1125 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR #

884

Date Filmed

4/18/79

Camera No. --- 2

Cameraman

BPC



FEDERAL ELECTION COMMISSION

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

January 11, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland 21207

RE: MUR 884

Dear Mr. Luchinsky:

The Federal Election Commission has reviewed the allegations of your complaint dated November 23, 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.

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 844.

Sincerely,

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

William C. Oldaker
General Counsel

790101144

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Isak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland 21207

RE: MUR 844

Dear Mr. Luchinsky:

The Federal Election Commission has reviewed the allegations of your complaint dated November 23, 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.

Accordingly, upon my recommendations 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 844.

Sincerely,

smc
11/8/79

William C. Oldaker
General Counsel

79040114454



FEDERAL ELECTION COMMISSION

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

January 11, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Paul S. Sarbanes
320 Suffolk Road
Baltimore, MD 21218

RE: MUR 884

Dear Senator Sarbanes:

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. A copy of the Commission's certification and the General Counsel Report is enclosed for your information.

Sincerely,

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

William C. Oldaker
General Counsel

Enclosures:

1. complaint
2. Commission certification
3. General Counsel's Report

79040114455

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RE: MUR 884

Dear Congressman Sarbanes:

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. A copy of the Commission's certification and the General Counsel Report is enclosed for your information.

Sincerely,

W.C.O.
1/18/79

William C. Oldaker
General Counsel

Enclosures:

1. complaint
2. Commission certification
3. General Counsel's Report

79040114456

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Paul Sarbanes)

MUR 884

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 5, 1979, the Commission determined by a vote of 5-0 to adopt the following recommendations, as set forth in the First General Counsel's Report dated January 2, 1979, regarding the above-captioned matter:

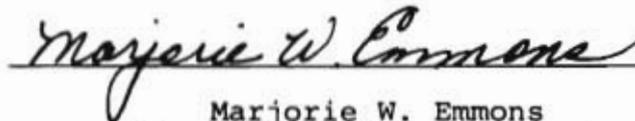
1. Find no reason to believe that Paul Sarbanes has violated 2 U.S.C. §441b.
2. Send the notification letters which were attached to the above-named report.

Voting for this determination were Commissioners Aikens, Springer, Tiernan, McGarry, and Harris.

Attest:

1/5/79

Date



Marjorie W. Emmons
Secretary to the Commission

Received in Office of Commission Secretary: 1-2-79, 2:45
Circulated on 48 hour vote basis: 1-3-79, 11:00

7901011457

January 2, 1979

MEMORANDUM TO: Warge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 884

Please have the attached First General Counsel's Report on MUR 884 distributed to the Commission on a 48 hour daily basis.

Thank you.

79040114453

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

FIRST GENERAL COUNSEL'S REPORT 79 JAN 2 P 2: 45

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION JAN 2 1979

MUR NO. 884
DATE COMPLAINT RECEIVED
BY OGC 12/7/78
STAFF
MEMBER Callahan

COMPLAINANT'S NAME: Joseph Izak Luchinsky

RESPONDENT'S NAME: Paul Sarbanes

RELEVANT STATUTE: 2 U.S.C. §441b

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complainant, Joseph Luchinsky, alleges that, on the basis of judgment made in FEC v. AFL-CIO Civil Action No. 77-2147, Paul Sarbanes has received contributions from the AFL-CIO COPE Political Contributions Committee ("PCC") in violation of 2 U.S.C. §441b.^{1/}

ANALYSIS

In the above-referenced case brought by the FEC against the AFL-CIO, the Commission's motion for summary judgment was granted on June 15, 1978. The Court held that the AFL-CIO's "transfers of money from the AFL-CIO COPE Political Contributions Committee, ..., violated 2 U.S.C. §441b."

The Commission was aware, prior to filing suit, that federal candidates, including Sarbanes, has accepted and retained contributions from the AFL-CIO COPE PCC, the subject of the proceeding. However, the Commission determined not to pursue the recipient candidates. It would, therefore be inappropriate to reopen the case at this time against Sarbanes or other candidates/ committees who received funds under the same circumstances.

^{1/} The complainant incorrectly states that in that suit it was alleged that Sarbanes received \$58,200 in contributions which "had been collected from compulsory union dues."

Further, the Commission established in AO 1978-53, that a candidate's receipt of tainted funds, in and of itself, does not place the candidate in violation of the Act if the candidate had no knowledge that the contribution was improper. Therefore, consistent with AO 1978-53, (attachment II) the Office of General Counsel recommends that no action be taken against Paul Sarbanes with regard to the complainant's allegation since there is no evidence to indicate that he had knowledge, at the time he accepted contributions from the PCC, the contributions consisted of voluntary money commingled with union treasury money, in violation of 2 U.S.C. §441b.

RECOMMENDATION

1. Find no reason to believe that Paul Sarbanes has violated to 2 U.S.C. §441b.
2. Send the attached notification letters.

ATTACHMENTS

Complaint
AO 1978-53
Notification Letters

79040114450

800W
5695

TO: William C. Oldaker,
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

NOV 27 11:55
7823 November 1978

Sir:

In United States District Court for the District of Columbia in a suit by the Federal Election Commission against the American Federation of Labor and Congress of Industrial Organizations (Civil Action No. 77-2147) it was alleged that in violation of federal law, Paul S. Sarbanes received towards his 1976 political campaign to be elected to the United States Senate \$58,200 from funds that had been collected from compulsory union dues. On 15 June 1978 judgment was made that: 1) found this union in violation of 2 U. S. C. §441b ; 2) enjoined it from doing so again; and 3) fined the AFL-CIO union for having made this illegal contribution.

This original complaint was directed only against the AFL-CIO, and not against Paul S. Sarbanes. I contend that Paul S. Sarbanes is also guilty for having violated the law, by being the recipient of the money. Therefore, I now want a complaint filed against him similarly, on the same basis.

Joseph Izak Luchinsky

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland
21207
(301) 655-2889

Mary H. Keenan
Notary
11/25/78

806016



FEDERAL ELECTION COMMISSION

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

September 1, 1978

AO 1978-53E

Honorable Ronald A. Sarasin
House of Representatives
Washington, D.C. 20515

Dear Mr. Sarasin:

This responds to your letter of August 10, 1978, requesting advice from the Commission as to whether you or your campaign committee are required by the Federal Election Campaign Act of 1971, as amended, to make a refund of political contributions received from the NEA Political Action Committee in connection with your campaign for election to Federal office in 1976.

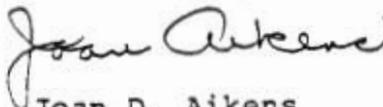
As you know, 2 U.S.C. §441b prohibits separate segregated funds such as NEA-PAC from making contributions to candidates for Federal office or their campaign committees utilizing money secured by dues, fees or other monies required a condition of membership in a labor organization or as a condition of employment. On July 20, 1978, the United States District Court for the District of Columbia held that the so-called reverse checkoff system of collecting political contributions, as used by NEA-PAC, was in violation of 2 U.S.C. §441b. Federal Election Commission v. National Education Association, No. 77-1705 (D.D.C. July 20, 1978). In so holding the Court upheld the position taken by the Commission in its regulations at 11 CFR 114.5(a)(1) prescribed April 13, 1977, pursuant to 2 U.S.C. §437d(a)(8) and §438(c).

The District Court's decision in FEC v. NEA, supra, does not address the question of whether candidates or committees who received contributions from NEA-PAC in 1975 and 1976 must return such contributions

to NEA-PAC. Nor has the Commission to date required that such contributions be refunded by their recipients. Since the Commission has no evidence that you or your campaign committee had any knowledge when NEA-PAC contributions were received that such contributions had, at least in part, been collected by a procedure which has now been held to be illegal, the Commission will therefore not require that you or your committee return such 1975 and/or 1976 contributions to NEA-PAC, provided that such contributions were otherwise lawful.

This response constitutes an advisory opinion concerning the application of a general rule of law stated in the Act or prescribed as a Commission regulation, to the specific factual situation set forth in your request. See 2 U.S.C. §437f.

Sincerely yours,



Joan D. Aikens
Chairman for the
Federal Election Commission



FEDERAL ELECTION COMMISSION

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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Paul S. Sarbanes
320 Suffolk Road
Baltimore, MD 21218

RE: MUR 884

Dear Senator Sarbanes:

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Sincerely,

William C. Oldaker
General Counsel

Enclosures:

1. complaint
2. Commission certification
3. General Counsel's Report



FEDERAL ELECTION COMMISSION

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WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland 21207

RE: MUR 884

Dear Mr. Luchinsky:

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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 844.

Sincerely,

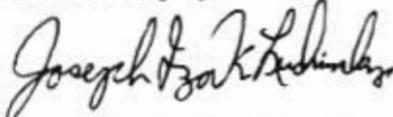
William C. Oldaker
General Counsel

8 January 1979
Wm. C. Oldaker
General Counsel
Fed. Election Com.
1325 K Street, NW
Washington, DC 20463

Dear Mr. Oldaker,

Enclosed is a photocopy of an acknowledgement you sent to me here upon receiving my formal notarized complaint to the Federal Election Commission almost six weeks ago. Until this time I've not been notified what action on this matter has been decided to be taken. Please advise me of the current status of the case under the provisions of the Freedom of Information Act, 5 U.S.C. 552. I feel that this request fits the category of "primarily benefiting the public" and therefore ask you to waive any fees, under same. Inform me why this request is being denied if your office refuses my request, and how under the law I may appeal. A response should be forthcoming in ten days as the law mentioned stipulates, so your handling it post haste is appreciated.

Sincerely yours,



Jos. Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, MD 21207
(301) 655-2889

79040114466



1325 K STREET N.W.
WASHINGTON, D.C. 20004

7 4 0 1 6 7
November 29, 1978

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland 21207

Dear Mr. Luchinsky:

This is to acknowledge receipt of your complaint of November 23, 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 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 handling complaints.

Sincerely,

William C. Oldaker
General Counsel

Enclosure



FEDERAL ELECTION COMMISSION

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

November 29, 1978

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland 21207

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Sincerely,

A handwritten signature in cursive script, reading "William C. Oldaker".

William C. Oldaker
General Counsel

Enclosure

79040114453

TO: William C. Oldaker,
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463

FEDERAL ELECTION COMMISSION

NOV 23 1978
NOV 27 AM 11:55

Sir:

In United States District Court for the District of Columbia in a suit by the Federal Election Commission against the American Federation of Labor and Congress of Industrial Organizations (Civil Action No. 77-2147) it was alleged that in violation of federal law, Paul S. Sarbanes received towards his 1976 political campaign to be elected to the United States Senate \$58,200 from funds that had been collected from compulsory union dues. On 15 June 1978 judgment was made that: 1) found this union in violation of 2 U. S. C. §441b; 2) enjoined it from doing so again; and 3) fined the AFL-CIO union for having made this illegal contribution.

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Joseph Izak Luchinsky

Joseph Izak Luchinsky
Apartment B
10 Valdivia Court
Baltimore, Maryland
21207
(301) 655-2889

79040114469

Mary H. Meyers

Notary

11/25/78

806016

Joseph Izak Luchinsky
10 Valdivia Ct./Apt. B
Baltimore, MD 21207



William C. Oldaker,
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, DC 20463



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 884

Date Filmed 4/18/79 Camera No. --- 2

Cameraman SPC

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