



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20461

THIS IS THE END OF MUR # 1715

Date Filmed 8/27/84 Camera No. --- 1

Cameraman JRL

84040174167

FEDERAL ELECTION COMMISSION

Mem Assign Form, routing card
12 JAY Rpts, routing slips

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| ☐ (1) Classified Information | ☐ (6) Personal privacy |
| ☒ (2) Internal rules and practices | ☐ (7) Investigatory files |
| ☐ (3) Exempted by other statute | ☐ (8) Banking Information |
| ☐ (4) Trade secrets and commercial or financial information | ☐ (9) Well Information (geographic or geophysical) |
| ☒ (5) Internal Documents | |

Signed

date

D. Curtis
8-23-84

FEC 9-21-77

by 8-27-84

84040474168



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 27, 1984

Michael Fanning, Counsel
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1715
Engineers Political Education
Committee/International Union of
Operating Engineers, Frank Hanley
as treasurer

Dear Mr. Fanning:

On July 25, 1984, the Commission found reason to believe that your client violated 11 C.F.R. § 104.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

84040474169



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 27, 1984

Geoffrey N. Zeh, Secretary Treasurer
Brotherhood of Maintenance of Way Employees
Grand Lodge
12050 Woodward Avenue
Detroit, Michigan 48203

RE: MUR 1715
Maintenance of Way Political
League and Geoffrey Zeh, as
treasurer

Dear Mr. Zeh:

On July 25, 1984, the Commission found reason to believe that Maintenance of Way Political League and you, as treasurer, violated 11 C.F.R. § 104.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott
Lee Ann Elliott
Chairman

84040474170



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 27, 1984

Robert F. Bauer
Perkins, Cole, Stone, Olsen & Williams
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 1715
Friends of Robert Byrd and
Ralph Bohannon as treasurer

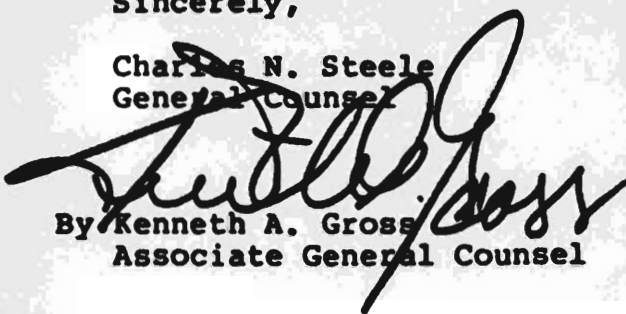
Dear Mr. Bauer:

On June 7, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 25, 1984, determined that on the basis of the information in the complaint and information provided by your clients, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

84040474171



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 27, 1984

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy, Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1715

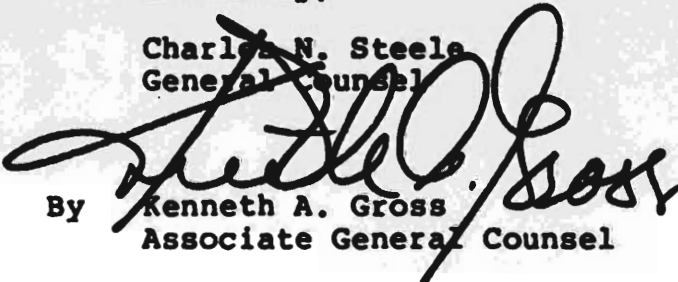
Dear Mr. Avakian and Ms. Poindexter:

84040474172
The Federal Election Commission has reviewed the allegations of your complaint dated May 21, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Specifically, the Commission found reason to believe that Maintenance of Way Political League and Geoffrey Zeh as treasurer and Education Political Education Committee/International Union of Operating Engineers and Frank Hanley as treasurer violated 11 C.F.R. § 110.14(d). However, after considering the circumstances, the Commission has determined to take no further action. The Commission found no reason to believe Friends of Robert C. Byrd and Ralph Bohannon as treasurer violated the Act. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy, Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1715

Dear Mr. Avakian and Ms. Poindexter:

84040474173
The Federal Election Commission has reviewed the allegations of your complaint dated May 21, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Specifically, the Commission found reason to believe that Maintenance of Way Political League and Geoffrey Zeh as treasurer and Education Political Education Committee/International Union of Operating Engineers and Frank Hanley as treasurer violated 11 C.F.R. § 110.14(d). However, after considering the circumstances, the Commission has determined to take no further action. The Commission found no reason to believe Friends of Robert C. Byrd and Ralph Bohannon as treasurer violated the Act. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Robert F. Bauer
Perkins, Cole, Stone, Olsen & Williams
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 1715
Friends of Robert Byrd and
Ralph Bohannon as treasurer

Dear Mr. Bauer:

On June 7, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 1, 1984, determined that on the basis of the information in the complaint and information provided by your clients, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

84040474174



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Geoffrey N. Zeh, Secretary Treasurer
Brotherhood of Maintenance of Way Employees
Grand Lodge
12050 Woodward Avenue
Detroit, Michigan 48203

D.C.

RE: MUR 1715
Maintenance of Way Political
League and Geoffrey Zeh, as
treasurer

Dear Mr. Zeh:

On July 25, 1984, the Commission found reason to believe that Maintenance of Way Political League and you, as treasurer, violated 11 C.F.R. § 104.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

Lee Ann Elliott
Chairman

84040474175



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

**Michael Fanning, Counsel
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036**

D.C.

**RE: MUR 1715
Engineers Political Education
Committee/International Union of
Operating Engineers, Frank Hanley
as treasurer**

Dear Mr. Fanning:

On July 25, 1984, the Commission found reason to believe that your client violated 11 C.F.R. § 104.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

Lee Ann Elliott
Chairman

84040474176

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

Robert C. Byrd)

MUR 1715

Friends of Robert C. Byrd and)

Ralph Bohannon as treasurer)

Engineers Political Education)

Committee/International Union)

of Operating Engineers and)

Frank Hanley as treasurer)

Maintenance of Way Political)

League and Geoffrey Zeh as)

treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on July 25, 1984, the Commission decided by a vote of 5-0 to take the following actions in MUR 1715:

1. Find no reason to believe that the Friends of Robert C. Byrd and Ralph Bohannon, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Engineers Political Education Committee/International Union of Operating Engineers.
2. Find no reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 11 C.F.R. § 104.14(d), but take no further action.

(continued)

84040474177

4. Find no reason to believe that the Friends of Robert C. Byrd and Ralph Bohannon, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Maintenance of Way Political League.
5. Find no reason to believe Maintenance of Way Political League and Geoffrey Zeh, as treasurer, violated 2 U.S.C. § 441a(a) (2) (A).
6. Find reason to believe that the Maintenance of Way Political League and Geoffrey Zeh, as treasurer, violated 11 C.F.R. § 104.14(d), but take no further action.
7. Close the file.
8. Approve the letters attached to the First General Counsel's Report dated July 20, 1984.

Commissioners Aikens, Elliott, Harris, McDonald and McGarry voted affirmatively in this matter; Commissioner Reiche did not cast a vote.

Attest:

7-25-84

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:
Circulated on tally vote basis:

7-20-84, 12:54
7-23-84, 11:00

84040474178

SENSITIVE

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

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

84 JUL 20 P12: 54

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF
TRANSMITTAL BY OGC
TO THE COMMISSION

7/20/84 - 12:53

MUR 1715

DATE COMPLAINT RECEIVED

BY OGC 6-1-84

DATE OF NOTIFICATION TO

RESPONDENT 6-7-84

STAFF MEMBER: DEBORAH CURRY

COMPLAINANT'S NAME: James Edward Antosh

RESPONDENTS' NAMES: Robert C. Byrd,
Friends of Robert C. Byrd and
Ralph Bohannon as treasurer,
Engineers Political Education
Committee/International Union
of Operating Engineers and
Frank Hanley as treasurer,
Maintenance of Way Political League
and Geoffrey Zeh as treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 441a(a)(2)(A), 441a(a)(5) and
441a(f), 11 C.F.R. §§ 110.1(a) and
104.14(d)

INTERNAL REPORTS CHECKED: Friends of Robert C. Byrd
Engineers Political Education
Committee/International Union
of Operating Engineers
Maintenance of Way Political League

SUMMARY OF ALLEGATIONS

On June 1, 1984, the Office of General Counsel received a signed, sworn and notarized complaint (See Attachment 1) from James Edward Antosh (hereinafter "Complainant") alleging violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act"), by Robert C. Byrd, Friends of Robert C. Byrd Committee (hereinafter "Byrd Committee") and Ralph Bohannon as treasurer, Engineers Political Education Committee/International Union of Operating Engineers (EPEC/IUOE) and Frank Hanley as treasurer, Maintenance of Way Political

84040474179

League (MWPL) and B.L. Sarah as, treasurer^{*/} (all hereinafter "Respondents).

Based on a review of the disclosure reports of Respondents, Complainant alleges that the EPEC/IUOE made an excessive contribution of \$5,000 and MWPL made an excessive contribution of \$1,000 to the Byrd Committee for the 1982 primary and general election respectively. Complainant also alleges that the Byrd Committee accepted an excessive contribution of \$5,000 from EPEC/IUOE and an excessive contribution of \$1,000 from MWPL for the 1982 primary and general election respectively.

Therefore, Complainant alleges that Respondents have violated 2 U.S.C. §§ 441f and 441a(a)(2)(A). Complainant also alleges that the Byrd Committee's treasurer's failure to accurately report information constituted a violation of 11 C.F.R. § 104.14(d).

On June 18, 25 and 26, 1984, the Office of General Counsel received responses to the notification of a complaint from MWPL, the Byrd Committee and EPEC/IUOE respectively. (See Attachments 2, pages 14-15, Attachment 4, pages 22-27).

On June 27, 1984, the Office received a supplement to the responses of MWPL and the Byrd Committee. (See Attachment 5, pages 28-34 and Attachment 6, pages 35-40).

FACTUAL AND LEGAL ANALYSIS

2 U.S.C. § 441a(a)(2)(A) states that no multicandidate political committee shall make contributions to any candidate and

^{*/} Geoffrey Zeh is now the treasurer of MWPL.

84040474180

his authorized political committees with respect to any federal election which in the aggregate, exceed \$5,000. 2 U.S.C. § 441a(f) prohibits a candidate or committee from knowingly accepting contributions in violation of the \$5,000 aggregate limitation imposed on contributions under this section.

11 C.F.R. § 110.1(a) provides that a contribution designated in writing by a contributor for a particular election shall be attributable to that election. Except, that a contribution made after the primary election, shall be allowed only if the recipient committee has outstanding primary debts on the date of the contribution which are equal to or greater than the contribution. 11 C.F.R. § 110.1(a) further provides that contributions not designated in writing by a contributor for a particular election are attributable to the primary election if made on or before the date of the primary election and are attributable to the general election if made after the date of the primary election.

11 C.F.R. § 104.14(d) provides that the treasurer of a political committee must timely and accurately file committee reports of receipts and disbursements.

a) EPEC/IUOE

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Byrd Committee:

<u>Contributor</u>	<u>Amount</u>	<u>Date Reported Given</u>	<u>Election Reported by Contributor</u>	<u>Date Reported Received</u>	<u>Election Reported by Recipient</u>
EPEC/IUOE	\$ 2,000	11-24-81	Primary	12-29-81	Primary
EPEC/IUOE	3,000	2-9-82	Primary	3-1-82	Primary
EPEC/IUOE	5,000	5-18-82	undesigned	6-18-82	General

The West Virginia Primary Election was held on June 1, 1982.

84040474181

The initial response of the treasurer, Mr. Bohannon, of the Byrd Committee was that he had no "prior knowledge" that a violation of the Act had occurred. Mr. Bohannon explains that the processing of contributions occurred in Washington, D.C. and that reports were prepared and filed under his name by the assistant treasurer. Mr. Bohannon states that the final check for \$5,000 was dated May 25 and received by the Byrd Committee on or about June 18, 1982, after the June 1, 1982, primary (See Attachment 3, pages 16-19 of the attachments).

Complainant contends that because EPEC/IUOE reports identify the \$5,000 contribution as being made on May 18, 1982, with no designation, the contribution was received for the primary election in violation of the Act.

However, a further response from Robert C. Byrd and the Byrd Committee indicates that the contribution in question was specifically designated for the general election. (See Attachment 6, pages 35-36 of the attachments). In that response the Byrd Committee submits a letter "accompanying the check, dated June 1, 1982. That specifically identified the contribution as one for 'Senator Byrd's general election campaign'." (See Attachment 6 pages 38 of the attachments). Therefore, the Byrd Committee concludes that EPEC/IUOE's failure to mark the appropriate box was a clerical error.

Likewise EPEC/IUOE notes that the contemporaneous letter accompanying the contribution designated it for the general election (See Attachment 4, pages 22-24 of the attachments).

84040474182

EPEC/IUOE also submitted an amended report reflecting the general election designation of the \$5,000 contribution.

The contemporaneous letter submitted by Respondents is evidence of the contributors intent to designate the \$5,000 contribution for the 1982 general election. Therefore, there is no reason to believe that EPEC/IUOE violated 2 U.S.C.

§ 441a(a)(2)(A) and that the Byrd Committee violated 2 U.S.C.

§ 441a(f). However, EPEC/IUOE violated 11 C.F.R. § 104.14(d) by failing to accurately report the contribution for the general election, but in light of the amended report the Office of General Counsel recommends that the Commission take no further action.

b. MWPL

A review of the reports filed with the Federal Election Commission reveals that the following contributions were made to the Byrd Committee:

<u>Contributor</u>	<u>Amount</u>	<u>Date Reported Given</u>	<u>Election Reported by Contributor</u>	<u>Date Reported Received</u>	<u>Election Reported by Recipient</u>
MWPL	\$5,000	2-10-82	General	2-24-82	Primary
MWPL	<u>1,000</u>	9-17-82	other/tickets	9-22-82	General
Total	\$6,000				

The West Virginia Primary Election was held on June 1, 1982.

In response to the complaint, the treasurer of the Byrd Committee states that since the check from MWPL was dated February 10, 1982, there was nothing which would have alerted him that the check was for the general election. (See Attachment, pages 19 and 20 of the attachments).

A further response received by the Byrd Committee states that the check for \$5,000 from MWPL "came with no designation in February 1982, four months before the primary date. By operation of FEC regulations, therefore [states Respondent], the contribution was one properly treated by the Committee as for the primary election campaign. 11 C.F.R. § 110.1(a)(2)(ii)(A)." Additionally, the Byrd Committee was assured by MWPL that the general election designation was in fact a clerical error.

In its initial response to the complaint, MWPL states that the \$5,000 contribution to Senator Byrd on February 10, 1982, was for the primary election rather than the general election as reflected in its report. MWPL states that due to a clerical error by a staff member the general election box was checked instead of the primary election box. (See Attachment 2, pages 14 and 15 of the attachments). The subsequent response of MWPL contained two affidavits from Maxton M. Allcox, National Legislative Representative and Ms. Susan L. Creswell, Secretary. Both affidavits attest to the fact that a clerical error was made and that the \$5,000 was intended for the primary election. (See Attachment 5, pages 28-34 of the attachments). Additionally, an amended report was submitted. Therefore, there is no reason to believe that MWPL violated § 441a(a)(2)(A) and that the Byrd Committee violated 2 U.S.C. § 441a(f). Due to the error made by MWPL in failing to accurately report the \$5,000 contribution for the primary election it is recommended that the Commission find reason to believe MWPL violated 11 C.F.R. § 104.14(d). Since an

844040474184

amended report has been filed it is also recommended that the Commission take no further action.

RECOMMENDATIONS

1. Find no reason to believe that the Friends of Robert C. Byrd and Ralph Bohannon, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Engineers Political Education Committee/International Union of Operating Engineers.
2. Find no reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
3. Find reason to believe Engineers Political Education Committee/International Union of Operating Engineers and Frank Hanley, as treasurer, violated 11 C.F.R. § 104.14(d), but take no further action.
4. Find no reason to believe that the Friends of Robert C. Byrd and Ralph Bohannon, as treasurer, violated 2 U.S.C. § 441a(f) by accepting an excessive contribution from the Maintenance of Way Political League.
5. Find no reason to believe Maintenance of Way Political League and Geoffrey Zeh, as treasurer, violated 2 U.S.C. § 441a(a)(2)(A).
6. Find reason to believe to believe Maintenance of Way Political League and Geoffrey Zeh, as treasurer, violated 11 C.F.R. § 104.14(d), but take no further action.

84040474185

7. Close the file.
8. Approve the attached letters.

Charles N. Steele
General Counsel

July 20, 1984
Date

Kenneth A. Gross
By: Kenneth A. Gross
Associate General Counsel

Attachments

1. Complaint (pages 1-13)
2. Initial Response of MWPL (pages 14-15)
3. Response of Ralph Bohannon and Byrd Committee (pages 16-21)
4. Response of EPEC/IUOE (pages 22-27)
5. Second Response of MWPL (pages 28-34)
6. Second Response of Byrd Committee (pages 35-40)
7. Letters to Respondents (pages 41-43)
8. Letter to Complainant (page 44)

34040474186

Attachment 1

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801,

Complainant,

v.

Robert C. Byrd, Friends of Robert
C. Byrd Committee, Engineers
Political Education Committee/
International Union of Operating
Engineers, Maintenance of Way
Political League, and all the
Committees' treasurers,

Respondents.

Complaint
MUR No. 1715

C 00 29504

84040474187

APR 1 10:53

I. INTRODUCTION

2

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Robert C. Byrd, Friends of Robert C. Byrd Committee, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), Maintenance of Way Political League and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A) during either the general or the primary election cycles.

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

- a. Robert C. Byrd
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

84040474188

3

1725 DeSales Street
Washington, D.C. 20036.

- b. Ralph Bohannon, individually and in his capacity as treasurer of Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- c. Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- d. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- e. Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- f. B.L. Sorah, Jr., individually and in his capacity as treasurer of Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

- g. Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

84040474189

III. LIABILITY

(4)

3. Liability may be imposed upon the candidate, Robert C. Byrd, Friends of Robert C. Byrd Committee, EPEC/IUOE and Maintenance of Way Political League pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Robert C. Byrd was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Robert C. Byrd, Friends of Robert C. Byrd Committee, and EPEC/IUOE filed for the 1982 federal primary election; and which Robert C. Byrd, Friends of Robert C. Byrd Committee and

84040474190

5

Maintenance of Way Political League filed for the 1982 federal general election.

7. For the 1982 federal primary election, excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by EPEC/IUOE and its treasurer. For the 1982 federal general election excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

V. VIOLATIONS OF THE F.E.C.A. BY
FRIENDS OF ROBERT C. BYRD COMMITTEE
IN THE 1982 FEDERAL PRIMARY AND GENERAL ELECTIONS

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its

84040474191

(6)

treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

10. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
12/29/81	\$2,000.00	82020013396
3/1/82	\$3,000.00	82020051800
5/18/82	\$5,000.00	82020091123
Total	\$10,000.00	

11. A running total of contributions from EPEC/IUOE would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by March 1, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

(7)

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made on May 18, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 82p32332897). However, the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982. Therefore, the contribution is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82p32332897). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from Maintenance

8

of Way Political League in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

14. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal general election, accepted contributions from Maintenance of Way Political League in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
2/24/82	\$5,000.00	82020051805
9/22/82	<u>\$1,000.00</u>	82020140632
Total	\$6,000.00	

15. A running total of contributions from Maintenance of Way Political League would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on February 24, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from Maintenance of Way Political League. In violation of 2 U.S.C. §441a(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$1,000.00 (ONE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

84040474194

(9)

16. Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution of February 10, 1982 which was designated by Maintenance of Way Political League as a contribution for the general election. (See F.E.C. Microfilm # 82032263456). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm # 82020051805). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein."

VI. VIOLATIONS OF THE F.E.C.A. BY
EPEC/IUOE
IN THE 1982 FEDERAL PRIMARY ELECTION

17. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE, for the 1982 federal primary election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

10

18. EPEC/IUOE contributed the following amounts:

- ✓ a. On November 24, 1981, EPEC/IUOE contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032145381).
- ✓ b. On February 9, 1982, EPEC/IUOE contributed \$3,000.00 (THREE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032253393).
- ✓ c. On May 18, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 820323321^D97).

19. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by EPEC/IUOE would have put it on notice that as of February 9, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$5,000.00 (FIVE THOUSAND DOLLAR) contribution on May 18, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

20. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer on May 18, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Microfilm # 82032332197). Since the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982, it is considered a contribution

84040474196

for the primary election in accordance with 11 C.F.R. §110.1

(a)(2)(ii)(A).

**VII. VIOLATIONS OF THE F.E.C.A. BY
MAINTENANCE OF WAY POLITICAL LEAGUE
IN THE 1982 FEDERAL GENERAL ELECTION**

21. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that Maintenance of Way Political League, for the 1982 federal general election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

22. Maintenance of Way Political League contributed the following amounts:

✓ a. On February 10, 1982, Maintenance of Way Political League contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032263456).

b. On September 17, 1982, Maintenance of Way Political League contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032462427).

23. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League would have put it on notice that as

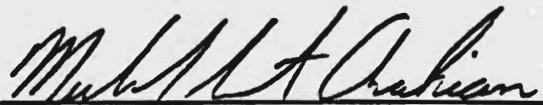
12

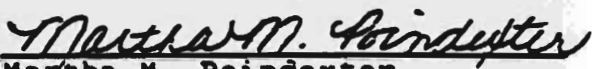
of February 10, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Maintenance of Way Political League made a \$1,000.00 (ONE THOUSAND DOLLAR) contribution on September 17, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

IX. CONCLUSION

24. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

25. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.


Michael Ernest Avakian
Center on National Labor Policy


Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

June 1, 1984

84040474198

(13)

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 21st day of May 1984.

Hevise K. Almon
Notary Public

My Commission expires:

My Commission Expires Sept. 17, 1986

84040474199

D. H. BERGE
PRESIDENT

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES



174

RECEIVED
FEC
GEOFFREY H. ZEN
SECRETARY-TREASURER
94 JUN 18 P1:16

OFFICE OF
SECRETARY-TREASURER

GRAND LODGE
18050 WOODWARD AVE.
DETROIT, MICHIGAN 48203

June 13, 1984

CERTIFIED MAIL
NO. P33 4221787

Attachment 2

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR - 1715

Dear Mr. Gross:

This has reference to your letter dated June 7, 1984, addressed to former Maintenance of Way Political League Treasurer B. L. Sorah in connection with the above-referenced complaint filed with the Federal Election Commission by Mr. James Edward Antosh alleging that there may have been a violation of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. S 441a(a)) by the Maintenance of Way Political League.

A review of the Political League's records discloses that two checks representing contributions to Senator Robert C. Byrd were issued on February 10, 1982 and September 17, 1982, in the amount of \$5,000.00 and \$1,000.00 respectively. The Political League's records also reflect that it filed reports with the Federal Election Commission on April 15, 1982, and October 15, 1982 and listed contributions to Senator Byrd for the general election in the amounts described above.

The contribution listed in the Federal Election Commission Report filed on April 15, 1982, should have reflected a \$5,000.00 contribution to Senator Byrd on February 10, 1982, for the primary election held on June 1, 1982, rather than the general election as reflected in our report. Due to a clerical error on the part of the office staff, the General Election box was checked on the report and thus, the February 10, 1982 contribution was not reported as a contribution to the primary election as it should have been. As a result, reports filed by the Maintenance of Way Political League erroneously reflected a combined contribution of \$6,000.00 to Senator Byrd for the General Election in apparent conflict with the Federal Election Campaign Act.

84040474200

Mr. Kenneth A. Gross

- 2 -

June 13, 1984

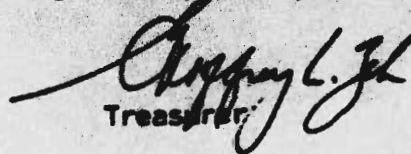
15

Therefore, the appearance of a violation of the Federal Election Campaign Act was due solely to a clerical error in preparing the Report of Receipts and Disbursements filed with the Federal Election Commission on April 15, 1982, and as such, does not constitute a violation of the Act as alleged in the complaint.

In view of the foregoing, the Maintenance of Way Political League respectfully requests that the complaint be dismissed. The Political League will also take appropriate action to file an amended report with the Commission reflecting the correct allocation of the February 10, 1982 contribution of \$5,000.00 to Senator Byrd for the primary election.

I would be happy to meet with you or the members of your staff if it would assist in the resolution of this matter.

Sincerely yours,


Treasurer

cc: Mr. O. M. Berge
Mr. P. Griffin
opelu-10

84040474201

76 624 REC
3790
34 JUN 25 P 1: 17

STEPTOE & JOHNSON

ATTORNEYS AT LAW

SIXTH FLOOR

UNION NATIONAL CENTER EAST

P. O. BOX 2190

CLARKSBURG, W. VA. 26302-2190

(304) 634-8000

June 21, 1984

OF COUNSEL
WILLIS D. SHAY
THOMAS A. WHITE

WRITER'S DIRECT DIAL NUMBER

(304) 634-8112

TELECOPIER

(304) 632-2676

RALPH BOHANNON
ERNEST C. SWINER
HERBERT G. UNDERWOOD
JACKSON L. ANDERSON
ROBERT G. STEELE
JAMES M. WILSON
PATRICK D. DEEN
ROBERT M. STEPTOE, JR.
ANNE R. WILLIAMS
JAMES D. GRAY
VINCENT A. COLLINS
JAMES A. RUSSELL
FRANK E. SIMMERMAN, JR.
WILLIAM T. BELCHER
MICHAEL L. BRAY
J. GREG GOODYKOONTZ
IRENE M. KEZLEY
EVANS L. KING, JR.
WALTER L. WILLIAMS
SUSAN S. BREWER
RONALD H. MANLAN
STEVEN P. BRINES
C. DAVID MORRISON
HARRY P. WADDELL
CLEMENT D. CARTER III
W. HENRY LAWRENCE IV
WILLIAM E. GALEOTA
CHRISTOPHER P. EASTEN
GORDON H. COPLAND
RANDALL C. LIGHT

Attachment 3

CERTIFIED, RETURN RECEIPT
REQUESTED

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

Gentlemen:

This letter is in response to your Complaint MUR No. 1715.

For several years, I have been the treasurer of the Friends
of Robert C. Byrd Committee.

In your Complaint, two contributions are pointed to as being
the cause of the problem—one by EPEC/IUOE and the other by Maintenance
of Way Political League. I have searched my memory and the records
that I have and wish to state that I had no knowledge prior to the re-
ceipt of this Complaint that the Rules of the Federal Election Commis-
sion may have been violated. I have no knowledge that the dates were
changed or the designation of the use of the money, or that anything
else was changed in order to make the contributions properly usable.

Some years ago, I was asked by one of my former partners,
Stanley C. Morris, Jr., to write a trust for the Friends of Robert C.

34040174202

(17)

Federal Election Commission,
June 21, 1984,
Page two.

Byrd Committee whereby money left over from a previous campaign would be placed in a trust that would, among other things, receive the balance on hand and future contributions, and pay proper bills. Stanley C. Morris, Jr., was then the president of the Committee and was a member of the Washington firm of Steptoe & Johnson, which was then a part of the Steptoe & Johnson partnership, of which I am a member in the Clarksburg firm. My understanding is that he had become involved in this because Senator Byrd was his neighbor. I wrote the agreement, and shortly thereafter was named treasurer of the Committee.

There was not much to do as treasurer until it became apparent that Senator Byrd would seek reelection in 1982. My secretary, Mrs. Ruth Barton, and I handled all the treasurer's duties for a while, but it soon became apparent that this procedure was not workable. At all times, we worked without pay and without reimbursement for expenses, and neither intend and never intended to seek any. No favors were asked of Senator Byrd by me then or now, and I have none in mind. Sometime around the end of 1981 or beginning of 1982, in view of the fact that a different system was needed, the treasurer's duties for the most part were shifted to Washington, D. C. A system was worked out by the president of the Committee whereby the data was entered into a computer by clerks, and another person was named as assistant treasurer. Thereafter, only a very few checks were received directly by me, and they were sent

3
2
0
4
7
4
0
4
4
0
4
8

Federal Election Commission,
June 21, 1984,
Page three.

on to Washington to be processed. Most of the contributions were received in Washington. The reports were prepared there and were filed under my name by the assistant treasurer. The contributions were sent back to my office to be deposited with the Trustee, under pressure that they be deposited as quickly as possible. On one or two occasions, I communicated with Stanley C. Morris, Jr., the president of the Committee, about the possibility that the Federal election laws might not be complied with. Then or later, he advised me that he had checked and there was no problem.

Stanley C. Morris, Jr., died suddenly about three weeks ago. So far as I know, a new president for the Committee has not been named.

I have done what I can to check the two contributions discussed in the Complaint. First, is the one by the Engineers Political Education Committee, which the Complaint states was made on May 18, 1982, and bore no designation of the election for which it was intended and which the Complaint states was made prior to the Primary Election date of June 1, 1982. The report by the Committee indicates that the contribution was received by it on June 18 and not May 18 and that it was for the General Election. I have checked with the Trustee, and it reports that this check was received by it on June 22, 1982. I have obtained a copy of the check from the microfilm records of the Trustee and find that it was not dated on May 18 but, instead, May 25. The way that this contribution was

84040474204

19

Federal Election Commission,
June 21, 1984,
Page four.

handled is evidence to me that it was received after June 1 and, possibly, on or about the date it was entered into the computer. The Trustee received other checks and made other deposits between the 1st of June and the 22nd of June.

The other contribution which is a subject of the Complaint is the check of the Maintenance of Way Political League dated February 10, 1982, in the amount of \$5,000.00. Another contribution was received from this League about seven and one-half months later on September 22, 1982, in the amount of \$1,000.00. It is the position taken in the Complaint, based on the information available, that they were both meant for the General Election and, therefore, exceeded the maximum of \$5,000.00. However, I have had a copy of the first check retrieved from the microfilm records of the Trustee, and I find nothing on it to have alerted me that it was for the General Election. February 10 is a strange time to receive a contribution for the General Election and none for the Primary when the Primary is on June 1. A copy of the report was prepared by the assistant treasurer in Washington, and copy sent to me showing the amount as being for the Primary Election. It was not until I received the Complaint that I was aware that the check or some other document may have designated it for the "General Election."

Since receiving the Complaint, I have not talked to any of the other parties mentioned in it. Stanley C. Morris, Jr., the president of

84040474205

(20)

Federal Election Commission,
June 21, 1984,
Page five.

Committee, is the one normally that I would have talked with but, due to his untimely death, that, of course, is impossible. He was very active in the affairs of the Committee and seemed to know all the details concerning it.

As I stated earlier herein, prior to the receipt of the Complaint, I had no knowledge of any fact or action that might have violated the Federal Election Commission Act; nor that any other member of the Committee had such knowledge. An affidavit will be filed by me upon request.

I have designated my partner Herbert G. Underwood as my counsel, and the form provided is attached. If you believe that the Act was violated or may have been violated, a conference is requested.

Very truly yours,

Ralph Bohannon
Ralph Bohannon

RB:B

34040474206

STATEMENT OF DESIGNATION OF COUNSEL

21

MUR No. 1715

NAME OF COUNSEL: Herbert G. Underwood

ADDRESS: Stephoe & Johnson

PO Box 2190

Clarksburg, WV 26302-2190

TELEPHONE: (304) 624 8000

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.

June 21, 1984

Date

Ralph Bohannon
Signature

RESPONDENT'S NAME: Ralph Bohannon

ADDRESS: Stephoe & Johnson

PO Box 2190

Clarksburg, WV 26302-2190

HOME PHONE: (304) 842 3784

BUSINESS PHONE: (304) 624 8000

84040474207



International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST * WASHINGTON, D. C. 20036
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT * (202) 426-0100

Attachment 4

June 26, 1984

10:20 AM: 44

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1715

Dear Mr. Steele:

This statement is submitted on behalf of the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) and its Treasurer, Frank Hanley, in response to the Complaint filed in the above-captioned matter.

The Complaint alleges that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$10,000 to the Friends of Robert C. Byrd Committee (the Byrd Committee) in connection with the 1982 primary election.

Contrary to the allegations of the Complaint, EPEC/IUOE and its affiliated committee, consistent with 2 U.S.C. § 441a(a)(2)(A), could have contributed \$5,000 to the Byrd Committee for the 1982 primary election, as well as \$5,000 for the general election. The sole issue in this matter is whether the contributions in question were properly designated and allocated to assure that the \$5,000 per election restriction was not exceeded.

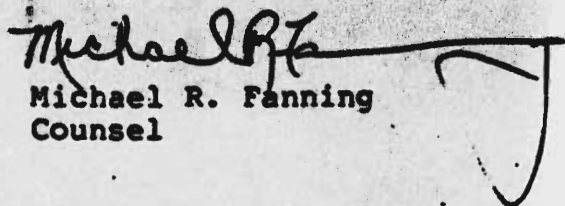
A review of the records of EPEC/IUOE in this matter discloses that the \$2,000 contribution of November 24, 1981 and the \$3,000 contribution of February 9, 1982 were properly reported by EPEC/IUOE as primary contributions to the Byrd Committee. Be advised, however, that while EPEC/IUOE's May 18, 1982 contribution of \$5,000 was

84040474208

undesignated on its FEC Form 3 filed subsequently, the contemporaneous letter which accompanied the contribution designated it for the general election. Enclosed herewith as Exhibit 1 is a copy of that transmittal letter dated June 1. In order to clarify this matter EPEC/IUOE has filed an amended Form 3 Report reflecting the general election designation of this \$5,000 contribution. A copy of that amended report is enclosed as Exhibit 2.

Accordingly, based upon the above information, it is requested that the General Counsel find no reason to believe that the Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

Enclosures

84040474209

C. TURNER

10/11/88

FRANK HANLEY

10/11/88

125 Seventeenth Street, N.W.
Washington, D.C. 20036
202-347-8560

Engineers Political Education Committee

(24)



June 1, 1982

Mr. Ralph Bohannon, Treasurer
FRIENDS OF ROBERT C. BYRD
400 N. Capitol St., Suite 325
Washington, D.C. 20001

Dear Mr. Bohannon:

Attached hereto is our check No. 000696 in the amount of
\$5,000 as a contribution from the Engineers
Political Education Committee of the International
Union of Operating Engineers for Senator Byrd's general
election campaign.

If this check together with any other contributions
from our Local Unions exceeds the amount provided
by Federal Law, please advise.

Sincerely,

J. C. Turner

J. C. Turner
CHAIRMAN

Frank Hanley

Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

84040474210

25

1. Name of Committee (in Full)

Engineers Political Education Committee
(EPEC)/International Union of Operating
Engineers (IUOE)

Address (Number and Street)

1125 17th Street, N. W.

City, State and ZIP Code

Washington, D. C. 20036

☐ Check if address is different than previously reported.

2. FEC Identification Number

C-00029504

3. ☐ This committee qualified as a multicandidate com-

mittee during this Reporting Period on _____
(date)

4. TYPE OF REPORT (check appropriate boxes)

- (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)
☒ Monthly Report for May 1982
☐ Twelfth day report preceding _____
 election on _____ in the State of _____
 (Type of Election)
☐ Thirtieth day report following the General Election
 on _____ in the State of _____
☒ Termination Report

- (b) Is this Report an Amendment?
☒ YES ☐ NO

SUMMARY

5. Covering Period 5/1/82 Through 5/31/826. (a) Cash on Hand January 1, 1982

(b) Cash on Hand at Beginning of Reporting Period

(c) Total Receipts (from Line 18)

(d) Subtotal (add lines 6(b) and 6(c) for Column A and
lines 6(a) and 6(c) for Column B)

7. Total Disbursements (from Line 28)

8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) ...

9. Debts and Obligations Owed TO the Committee
(Itemize all on Schedule C or Schedule D)10. Debts and Obligations Owed BY the Committee
(Itemize all on Schedule C or Schedule D)Column A
This PeriodColumn B
Calendar Year-to-Date

\$ 148,383.83

\$ 202,247.69

\$ 34,882.47

\$ 219,508.53

\$ 237,130.16

\$ 367,892.36

\$ 61,995.09

\$ 192,757.29

\$ 175,135.07

\$ 175,135.07

\$ - 0 -

\$ - 0 -

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

For further information, contact:

Federal Election Commission
Toll Free 800-424-9530
Local 202-623-4088

Frank Hanley, Treasurer

Type or Print Name of Treasurer

June 25, 1984

Date

SIGNATURE OF TREASURER

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

--	--	--	--	--	--	--	--	--

FEC FORM 3X (3/80)

26

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)

Engineers Political Education Committee (EPEC)/International
Union of Operating Engineers (IUOE)

A. Full Name, Mailing Address and ZIP Code Friends of Robert C. Byrd Committee 400 N. Capital Street, N. W. Washington, D. C. 20001	Purpose of Disbursement \$5,000.00 Sen. Robert C. Byrd (D), U. S. Senate, WV Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 5-18-82	Amount of Each Disbursement This Period \$5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

STATEMENT OF DESIGNATION OF COUNSEL

27

MUR 1715

NAME OF COUNSEL: Michael R. Fanning

ADDRESS: International Union of Operating Engineers

1125 17th Street N.W.

Washington, D.C. 20036

TELEPHONE: (202) 429-9100

JUN 26 1984 11:59

3 The above-named individual is hereby designated as my
1 counsel and is authorized to receive any notifications and other
2 communications from the Commission and to act on my behalf before
4 the Commission.

8
4
0
4
0
1
7
4
2
1
June 26, 1984
Date

Frank Hanley
Signature

RESPONDENT'S NAME: Frank Hanley, Treasurer, Engineers Political
Education Committee

ADDRESS: International Union of Operating Engineers

1125 17th Street, N.W.

Washington, D.C. 20036

HOME PHONE: -----

BUSINESS PHONE: (202) 429-9100

O. M. BERGE
PRESIDENT

604H 3838
GEOFFREY M. ZEH
SECRETARY-TREASURER

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES



28

Curry

OFFICE OF
SECRETARY-TREASURER

GRAND LODGE
12000 WOODWARD AVE.
DETROIT, MICHIGAN 48203

June 26, 1984

F. E. C.
4/15/84 Report

Attachment 5

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

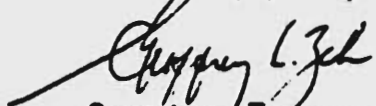
Re: MUR - 1715

Dear Mr. Gross:

This has further reference to my letter dated June 13, 1984, relative to the above-captioned Complaint, in which Mr. James Edward Antosh alleges that there may have been a violation of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. S 441a(a)) by the Maintenance of Way Political League.

The Maintenance of Way Political League submits the affidavits of Mr. Maxton M. Allcox and Ms. Susan L. Creswell, as well as an amended Page 2 to the Political League Report filed with the Federal Election Commission on April 5, 1982, in supplement of its June 13, 1984 Answer to the Complaint filed in this proceeding.

Sincerely yours,


Secretary-Treasurer

Enclosures
cc: Mr. O. M. Berge

opelu-10

84040474214

29

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D. C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

Complainant,

v.

Robert C. Byrd, et al.,

Respondents.

Complaint
MUR No. 1715

AFFIDAVIT OF SUSAN L. CRESWELL

State of Michigan)
County of Wayne)

Susan L. Creswell being duly sworn, deposes and says as follows:

1. That she occupied the position of Secretary to the Secretary-Treasurer of the Brotherhood of Maintenance of Way Employes from June 3, 1981 to September 1, 1982.

2. That one of her responsibilities as Secretary to the Secretary-Treasurer was the preparation of periodic reports that were required to be filed with the Federal Election Commission (Commission) by the Maintenance of Way Political League.

3. That she prepared the Report filed by the Maintenance of Way Political League with the Commission on April 5, 1982, which reflected a five thousand dollar (\$5,000.00) contribution to Senator Robert C. Byrd for the general election.

84040474215

4. That she was not specifically advised that the five thousand dollar (\$5,000.00) contribution for Senator Robert C. Byrd from the Maintenance of Way Political League was to be designated for the general election.

5. That she assumed that the contribution in question was to be designated for the primary election, since there were no specific instructions provided her to the contrary and she had knowledge of the fact that the primary election in question was to be held on June 1, 1982.

6. That in view of said fact, she mistakenly designated the contribution to Senator Byrd for the general election rather than the primary election in the report filed with the Commission on April 5, 1982.

7. That the fact that the April 5, 1982 Report filed with Commission listed a five thousand dollar (\$5,000.00) contribution to Senator Byrd for the general election was due to a clerical error on her part and thus, the report should have designated the contribution for the primary election.

84040474216

31

- 3 -

Susan L. Creswell
Susan L. Creswell

Sworn to and subscribed before me
this 25th day of June, 1984

Arnold C. Karcher

Notary Public

My Commission expires: ARNOLD C. KARCHER
Notary Public, Macomb County, MI
My Commission Expires Mar. 25, 1987
Acting In Wayne Co.

84040474217

SCHEDULE B

ITEMIZED DISBURSEMENT

Page 1 of 3 for
LINE NUMBER _____
(Use separate schedule(s) for each
category of the Detailed
Summary Page)

AMENDMENT TO APRIL 15 QUARTERLY REPORT
1-1-82 THROUGH 3-31-82

JUNE 25, 1984

32

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)

Maintenance of Way Political League

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Hon. Robert C. Byrd Dem-Senate-WV c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Friends of Robert C. Byrd Contribution Disbursement for: ☐ Primary ☒ General ☒ Other (specify): 1982 Election	2-10-82	\$5,000.00
B. Full Name, Mailing Address and ZIP Code Democratic Senatorial Campaign Comm. c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Democratic Senatorial Campaign Committee Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Pledge	2-10-82	200.00
C. Full Name, Mailing Address and ZIP Code Hon. Henry A. Waxman Dem-24th Dis-CA c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement 24th Congressional District of CA, PAC - Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/13	2-10-82	250.00
D. Full Name, Mailing Address and ZIP Code Hon. Wm. M. Brodhead Dem-17th Dis-MI c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Brodhead for Congress Comm. 1 Ticket Reception 2/24 Disbursement for: ☐ Primary ☐ General ☒ Other (specify): 1 Ticket	2-10-82	250.00
E. Full Name, Mailing Address and ZIP Code Hon. Stan Lundine Dem-39th Dis-NY c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Stan Lundine for Congress 1 Ticket Reception 2/4/82 Disbursement for: ☐ Primary ☐ General ☒ Other (specify): 1 Ticket	2-10-82	250.00
F. Full Name, Mailing Address and ZIP Code Hon. Andy Maguire Dem-Fmr. Rep. NJ c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Maguire Campaign Committee Contribution Candidate for Senate Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/26/82	2-10-82	150.00
G. Full Name, Mailing Address and ZIP Code Hon. Austin J. Murphy Dem-22nd Dis-PA c/o M. M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Congressman Murphy Campaign Comm. - Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/26/82	2-10-82	200.00
H. Full Name, Mailing Address and ZIP Code Hon. Marty Russo Dem-3rd Dis-IL c/o M.M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Russo for Congress Committee Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/27/82	2-10-82	250.00
I. Full Name, Mailing Address and ZIP Code Hon. Stephen J. Solarz Dem-14th Dis-NY c/o M. M. Allcox Natl Legis Rep BWWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Purpose of Disbursement Solarz for Congress Comm. Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Pledge	2-10-82	200.00

SUBTOTAL of Disbursements This Page (optional) \$6,750.00

TOTAL This Period (last page this line number only)

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D. C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

Complainant

Complaint
MUR No. 1715

v.

Robert C. Byrd, et al.

Respondents.

AFFIDAVIT OF MAXTON M. ALLCOX

District of Columbia)
Washington)

Maxton M. Allcox being duly sworn, deposes and says as follows:

1. That has occupied the position of National Legislative Representative for the Brotherhood of Maintenance of Way Employees (Brotherhood) since November 1, 1978.

2. That one of his duties as National Legislative Representative for the Brotherhood has been to make recommendations to the Brotherhood for campaign contributions to be made to candidates for federal office by the Maintenance of Way Political League.

3. That prior to January 26, 1982, he was contacted by Senator Robert C. Byrd and one of his aides and asked if the Brotherhood would consider making a contribution to his primary election campaign from the Maintenance of Way Political League.

84040474219

34

4. That on or about January 26, 1980, he requested that the Maintenance of Way Political League forward a five thousand dollar (\$5,000.00) contribution to Senator Byrd.

5. That he did not specify that the contribution in question was to be designated for the primary election, because he assumed that it would be so designated in view of the fact that the primary election was to be held on June 1, 1982.

6. That his office does not have responsibility for the filing of periodic reports by the Maintenance of Way Political League with the Federal Election Commission (Commission) and copies of such reports are not furnished to his office for review.

7. That he has had an opportunity to review the report filed on April 5, 1982, which reflected the Maintenance of Way Political League's five thousand dollar (\$5,000.00) contribution to Senator Byrd on February 10, 1982 and would have requested that the report be amended to reflect a contribution to the primary election rather than the general election had he been aware of the reporting error.

8. That the February 10, 1982 five thousand dollar (\$5,000.00) contribution to Senator Byrd was intended to be designated for the primary election to be held on June 1, 1982 and the quarterly report filed with the Commission on April 5, 1982, erroneously reflected his original intent when requesting the contribution on behalf of Senator Byrd.

84040474220

PERKINS, COIE, STONE, OLSEN & WILLIAMS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1110 VERMONT AVENUE, N.W.

WASHINGTON, D.C. 20005

TELEPHONE: (202) 337-4333

FACSIMILE (202) 337-4333

TELEX: 44-0577

PLEASE REPLY TO WASHINGTON, D.C. OFFICE

(35)

Curry 1715

SEATTLE OFFICE

1900 WASHINGTON BUILDING
SEATTLE, WASHINGTON 98101

TELEPHONE: (206) 461-8770

CABLE: "PERKINS SEATTLE"

TELEX: 22-0810

ANCHORAGE OFFICE

SUITE 301

420 "L" STREET

ANCHORAGE, ALASKA 99501

TELEPHONE: (907) 579-0801

BELLEVUE OFFICE

ONE BELLEVUE CENTER

SUITE 1000

411 - 10TH AVENUE N.E.

BELLEVUE, WASHINGTON 98004

TELEPHONE: (206) 465-0000

PORTLAND OFFICE

ONE MAIN PLACE

SUITE 1000

101 S.W. MAIN STREET

PORTLAND, OREGON 97204

TELEPHONE: (503) 255-4400

June 27, 1984

Attachment 6

Mr. Charles Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Dear Mr. Steele:

As counsel to the Friends of Robert Byrd Committee, its Treasurer, Ralph Bohannon, and Senator Robert C. Byrd, I am responding herewith to your notification of a complaint received against the Byrd respondents in the name of James Edward Antosh. It is my expectation that, upon review of this letter, you will concur that there has been no violation of the FECA by any of the Byrd-related respondents, and that you will recommend to the Commission that the complaint be promptly dismissed.

Mr. Antosh specifically alleges that the Committee received two separate contributions in connection with the 1983 primary and general election campaigns which violated the limitations set forth in § 441a of the Act. The complainant cites contributions totaling \$10,000 from the Engineers Political Education Committee (EPEC) which, it alleges, represents contributions to the Senator's primary election campaign in excess of the \$5,000 limit applicable to EPEC as a multicandidate committee under § 441a of the Act. In addition, the complainant cites contributions totaling \$6,000 from the Maintenance of Way Political League ("MWPL")--these, too, are alleged to have related only to the general election and to have exceeded the applicable multicandidate committee limit by \$1,000.

In fact, as set forth below, the timing of these contributions and the related documentary evidence clearly show

94040174221

JUN 27 1984

Mr. Charles Steele
January 27, 1984
Page 2

36

that all were made within the limitations of § 441a. Any confusion appearing on the face of the public reports of the contributors represent pure and simple clerical error and have no legal consequence to complainant's contention of knowing and wilful violations of the statute.

EPEC CONTRIBUTIONS

The Committee reports and those of EPEC shown contributions totaling \$5,000 received by the Committee in December, 1981 and March, 1982, for the West Virginia primary election on June 1, 1982. In addition, the Committee reported the receipt of an additional contribution of \$5,000 for the general election on June 18, 1982. Because EPEC's reports identify the contribution as one made May 18, 1982, but carry no attribution to either primary or general election, the complainant concludes that the contribution was received for the primary election in violation of § 441a limits.

In fact, however, the contribution in question was specifically designated for the general election. The designation was carried in a letter accompanying the check, dated June 1, 1981, which specifically identified the contribution as one for "Senator Byrd's general election campaign." See Exhibit "A".

It is therefore clear that the failure of EPEC to mark the appropriate box on its reports, showing the contribution as the general election contribution that it was, represented no more than clerical error.

MAINTENANCE OF WAY CONTRIBUTIONS

Maintenance of Way Political League made two contributions to the 1982 campaign of Senator Byrd: \$5,000 for the primary election received by the Committee on February 24, 1982, and another \$1,000 for the general election received by the Committee on September 22, 1982. Yet Complainant points to the reports of MWPL which identify the contribution of \$5,000 as one for the general election. On this basis, it is concluded that the Byrd respondents accepted contributions for the general election in the amount of \$6,000 or \$1,000 in excess of § 441a limits.

34040474222

Mr. Charles Steele
January 27, 1984
Page 3

37

The Byrd respondents have no doubt whatsoever that the \$5,000 contribution in February, 1982, was intended for the primary election campaign of the Senator culminating in the primary on June 1, 1982 in West Virginia. In the first instance, the check came with no designation in February, 1982, almost four months before the primary date. By operation of FEC regulations, therefore, the contribution was one properly treated by the Committee as for the primary election campaign. 11 C.F.R. § 110.1(a)(2)(ii)(A). See also Exhibit "B" (copy of MWPL check of \$5,000).

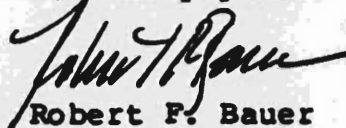
Moreover, quite apart from the fact that the timing of the contribution and the absence of any designation required that the Committee treat the contribution as for the primary, the Committee has confirmed with MWPL that this was, in fact, the Committee's intent. MWPL has assured the Committee that the contribution was erroneously designated in the MWPL reports to the FEC, and that this error has already been corrected by amendment.

Accordingly, it is apparent that there was no violation of § 441a limits by the Byrd Committee in accepting any contributions from MWPL in connection with the 1982 primary and general election campaigns.

CONCLUSION

The complaint of Mr. Antosh has no merit and should be dismissed.

Sincerely yours,


Robert F. Bauer

34040474223

C. TURNER
Chairman

FRANK HANLEY
Treasurer

125 Seventeenth Street, N.W.
Washington, D.C. 20036
2-347-8860

Engineers Political Education Committee

38



June 1, 1982

Mr. Ralph Bohannon, Treasurer
FRIENDS OF ROBERT C. BYRD
400 N. Capitol St., Suite 325
Washington, D.C. 20001

Dear Mr. Bohannon:

Attached hereto is our check No. 000696 in the amount of
\$5,000 as a contribution from the Engineers
Political Education Committee of the International
Union of Operating Engineers for Senator Byrd's general
election campaign.

If this check together with any other contributions
from our Local Unions exceeds the amount provided
by Federal Law, please advise.

Sincerely,

J. C. Turner

J. C. Turner
CHAIRMAN

Frank Hanley

Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

84040474224

39

MAINTENANCE OF WAY POLITICAL LEAGUE

12050 WOODWARD AVE
DETROIT, MICHIGAN 48205

NATIONAL BANK OF DETROIT
DETROIT, MICH

CHECK N° 941

February 10, 1982

PAY
TO THE
ORDER
OF

THE \$ 5000.00 DOLLARS
Friends of Robert C. Byrd

Christina

R. C. Byrd

⑆0720⑉0032⑆

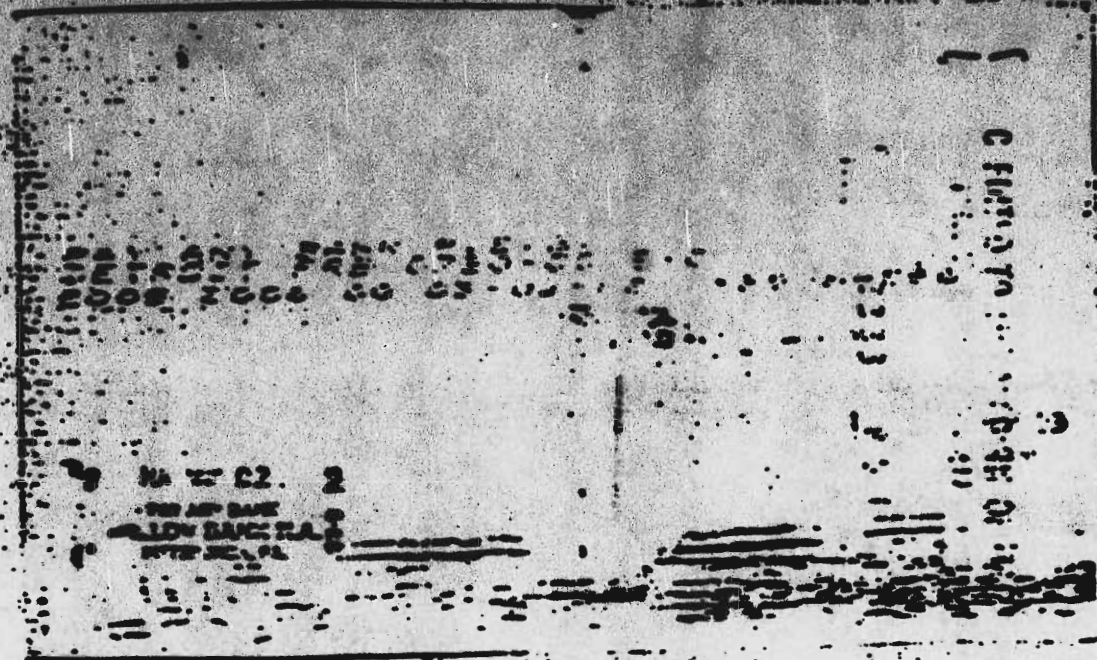
⑆5166⑉74⑆

⑆0000500000⑆

84040474225

40

840404/4226





FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

41

Attachment 7

Robert F. Bauer
Perkins, Cole, Stone, Olsen & Williams
1110 Vermont Avenue, N.W.
Washington, D.C. 20005

RE: MUR 1715
Friends of Robert Byrd and
Ralph Bohannon as treasurer

Dear Mr. Bauer:

On June 7, 1984, the Commission notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 1, 1984, determined that on the basis of the information in the complaint and information provided by your clients, there is no reason to believe that a violation of any statute within its jurisdiction has been committed. Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

84040474227



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

42

Geoffrey N. Zeh, Secretary Treasurer
Brotherhood of Maintenance of Way Employees
Grand Lodge
12050 Woodward Avenue
Detroit, Michigan 48203

RE: MUR 1715
Maintenance of Way Political
League and Geoffrey Zeh, as
treasurer

Dear Mr. Zeh:

On July , 1983, the Commission found reason to believe that Maintenance of Way Political League and you, as treasurer, violated 11 C.F.R. § 110.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202)523-4000.

Sincerely,

84040474228



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

43

Michael Fanning, Counsel
International Union of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

RE: MUR 1715
Engineers Political Education
Committee/International Union of
Operating Engineers, Frank Hanley
as treasurer

Dear Mr. Fanning:

On July , 1983, the Commission found reason to believe that your client violated 11 C.F.R. § 110.14(d), a regulation implementing the Federal Election Campaign Act of 1971, as amended ("the Act") in connection with the above referenced MUR. However, after considering the circumstances of this matter, the Commission has determined to take no further action and close its file.

The file in this matter will be made part of the public record within 30 days. Should you wish to submit any materials to appear on the public record, please do so within 10 days.

The Commission reminds you that inaccurate reporting of receipts and expenditures nevertheless appears to be a violation of 11 C.F.R. § 110.14(d). You should take immediate steps to insure that this activity does not occur in the future.

If you have any questions, please direct them to Deborah Curry, the attorney assigned to this matter, at (202) 523-4000.

Sincerely,

84040474229



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

44
Attachment 8.

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy, Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

RE: MUR 1715

Dear Mr. Avakian and Ms. Poindexter:

84040474230
The Federal Election Commission has reviewed the allegations of your complaint dated May 21, 1984, and determined that on the basis of the information provided in your complaint and information provided by the Respondents there is reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended ("the Act") has been committed. Specifically, the Commission found reason to believe that Maintenance of Way Political League and Geoffrey Zeh as treasurer and Education Political Education Committee/International Union of Operating Engineers and Frank Hanley as treasurer violated 11 C.F.R. § 110.14(d). However, after considering the circumstances, the Commission has determined to take no further action. The Commission found no reason to believe Friends of Robert C. Byrd and Ralph Bohannon as treasurer violated the Act. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Should additional information come to your attention which you believe establishes a violation of the Act, you may file a complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel

By Kenneth A. Gross
Associate General Counsel

Enclosure
General Counsel's Report

6-28 3839

PERKINS, COIE, STONE, OLSEN & WILLIAMS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

1110 VERMONT AVENUE, N.W.

WASHINGTON, D.C. 20005

TELEPHONE: (202) 637-6000

FACSIMILE (202) 637-6000

TELEX: 44-0577

PLEASE REPLY TO WASHINGTON, D.C. OFFICE

BELLEVUE OFFICE

ONE BELLEVUE CENTER

SUITE 1000

411 - 100TH AVENUE N.E.

BELLEVUE, WASHINGTON 98004

TELEPHONE: (206) 455-4000

PORTLAND OFFICE

ONE MAIN PLACE

SUITE 1000

101 S.W. MAIN STREET

PORTLAND, OREGON 97204

TELEPHONE: (503) 255-4400

SEATTLE OFFICE

1000 WASHINGTON BUILDING

SEATTLE, WASHINGTON 98101

TELEPHONE: (206) 496-0770

CABLE "PERKINS SEATTLE"

TELEX: 26-0919

ANCHORAGE OFFICE

SUITE 301

480 "L" STREET

ANCHORAGE, ALASKA 99501

TELEPHONE: (907) 279-0001

June 27, 1984

Mr. Charles Steele
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C.

Dear Mr. Steele:

As counsel to the Friends of Robert Byrd Committee, its Treasurer, Ralph Bohannon, and Senator Robert C. Byrd, I am responding herewith to your notification of a complaint received against the Byrd respondents in the name of James Edward Antosh. It is my expectation that, upon review of this letter, you will concur that there has been no violation of the FECA by any of the Byrd-related respondents, and that you will recommend to the Commission that the complaint be promptly dismissed.

Mr. Antosh specifically alleges that the Committee received two separate contributions in connection with the 1983 primary and general election campaigns which violated the limitations set forth in § 441a of the Act. The complainant cites contributions totaling \$10,000 from the Engineers Political Education Committee (EPEC) which, it alleges, represents contributions to the Senator's primary election campaign in excess of the \$5,000 limit applicable to EPEC as a multicandidate committee under § 441a of the Act. In addition, the complainant cites contributions totaling \$6,000 from the Maintenance of Way Political League ("MWPL")--these, too, are alleged to have related only to the general election and to have exceeded the applicable multicandidate committee limit by \$1,000.

In fact, as set forth below, the timing of these contributions and the related documentary evidence clearly show

8404044231

14 JUN 27 P4:00

COMM-FED

Mr. Charles Steele
January 27, 1984
Page 2

that all were made within the limitations of § 441a. Any confusion appearing on the face of the public reports of the contributors represent pure and simple clerical error and have no legal consequence to complainant's contention of knowing and wilful violations of the statute.

EPEC CONTRIBUTIONS

The Committee reports and those of EPEC shown contributions totaling \$5,000 received by the Committee in December, 1981 and March, 1982, for the West Virginia primary election on June 1, 1982. In addition, the Committee reported the receipt of an additional contribution of \$5,000 for the general election on June 18, 1982. Because EPEC's reports identify the contribution as one made May 18, 1982, but carry no attribution to either primary or general election, the complainant concludes that the contribution was received for the primary election in violation of § 441a limits.

In fact, however, the contribution in question was specifically designated for the general election. The designation was carried in a letter accompanying the check, dated June 1, 1981, which specifically identified the contribution as one for "Senator Byrd's general election campaign." See Exhibit "A".

It is therefore clear that the failure of EPEC to mark the appropriate box on its reports, showing the contribution as the general election contribution that it was, represented no more than clerical error.

MAINTENANCE OF WAY CONTRIBUTIONS

Maintenance of Way Political League made two contributions to the 1982 campaign of Senator Byrd: \$5,000 for the primary election received by the Committee on February 24, 1982, and another \$1,000 for the general election received by the Committee on September 22, 1982. Yet Complainant points to the reports of MWPL which identify the contribution of \$5,000 as one for the general election. On this basis, it is concluded that the Byrd respondents accepted contributions for the general election in the amount of \$6,000 or \$1,000 in excess of § 441a limits.

Mr. Charles Steele
January 27, 1984
Page 3

The Byrd respondents have no doubt whatsoever that the \$5,000 contribution in February, 1982, was intended for the primary election campaign of the Senator culminating in the primary on June 1, 1982 in West Virginia. In the first instance, the check came with no designation in February, 1982, almost four months before the primary date. By operation of FEC regulations, therefore, the contribution was one properly treated by the Committee as for the primary election campaign. 11 C.F.R. § 110.1(a)(2)(ii)(A). See also Exhibit "B" (copy of MWPL check of \$5,000).

Moreover, quite apart from the fact that the timing of the contribution and the absence of any designation required that the Committee treat the contribution as for the primary, the Committee has confirmed with MWPL that this was, in fact, the Committee's intent. MWPL has assured the Committee that the contribution was erroneously designated in the MWPL reports to the FEC, and that this error has already been corrected by amendment.

Accordingly, it is apparent that there was no violation of § 441a limits by the Byrd Committee in accepting any contributions from MWPL in connection with the 1982 primary and general election campaigns.

CONCLUSION

The complaint of Mr. Antosh has no merit and should be dismissed.

Sincerely yours,


Robert F. Bauer

8404014233

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

1125 Seventeenth Street, N.W.
Washington, D.C. 20036
202-347-8560

Engineers Political Education Committee



June 1, 1982

Mr. Ralph Bohannon, Treasurer
FRIENDS OF ROBERT C. BYRD
400 N. Capitol St., Suite 325
Washington, D.C. 20001

Dear Mr. Bohannon:

Attached hereto is our check No. 000696 in the amount of \$5,000 as a contribution from the Engineers Political Education Committee of the International Union of Operating Engineers for Senator Byrd's general election campaign.

If this check together with any other contributions from our Local Unions exceeds the amount provided by Federal Law, please advise.

Sincerely,

J. C. Turner
CHAIRMAN

Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

8404044234

MAINTENANCE OF WAY POLITICAL LEAGUE

12050 WOODWARD AVE
DETROIT, MICHIGAN 48202

NATIONAL BANK OF DETROIT
DETROIT, MICH

CHECK N° 941

February 10, 1962

PAY
TO THE
ORDER
OF

THE \$ 5000 DOLLARS
Friends of Robert C. Byrd

Robert C. Byrd

Robert C. Byrd

RECEIVED

RECEIVED

RECEIVED

CD720-00320

75 168-74

0000500000

8404044235



International Union of Operating Engineers

1125 SEVENTEENTH STREET NORTHWEST • WASHINGTON, D. C. 20036
AFFILIATED WITH THE AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

OFFICE OF GENERAL PRESIDENT • (202) 455-9100

June 26, 1984

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1715

Dear Mr. Steele:

This statement is submitted on behalf of the Engineers Political Education Committee of the International Union of Operating Engineers (EPEC/IUOE) and its Treasurer, Frank Hanley, in response to the Complaint filed in the above-captioned matter.

The Complaint alleges that EPEC/IUOE violated 2 U.S.C. § 441a(a)(2)(A) by contributing a total of \$10,000 to the Friends of Robert C. Byrd Committee (the Byrd Committee) in connection with the 1982 primary election.

Contrary to the allegations of the Complaint, EPEC/IUOE and its affiliated committee, consistent with 2 U.S.C. § 441a(a)(2)(A), could have contributed \$5,000 to the Byrd Committee for the 1982 primary election, as well as \$5,000 for the general election. The sole issue in this matter is whether the contributions in question were properly designated and allocated to assure that the \$5,000 per election restriction was not exceeded.

A review of the records of EPEC/IUOE in this matter discloses that the \$2,000 contribution of November 24, 1981 and the \$3,000 contribution of February 9, 1982 were properly reported by EPEC/IUOE as primary contributions to the Byrd Committee. Be advised, however, that while EPEC/IUOE's May 18, 1982 contribution of \$5,000 was

34040474236

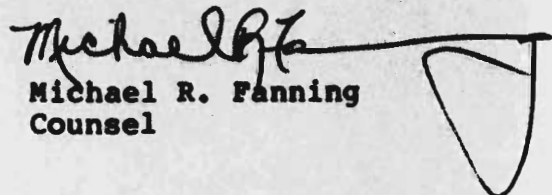
GCC# 3816

4 JUN 26 AM 11:44

undesignated on its FEC Form 3 filed subsequently, the contemporaneous letter which accompanied the contribution designated it for the general election. Enclosed herewith as Exhibit 1 is a copy of that transmittal letter dated June 1. In order to clarify this matter EPEC/IUOE has filed an amended Form 3 Report reflecting the general election designation of this \$5,000 contribution. A copy of that amended report is enclosed as Exhibit 2.

Accordingly, based upon the above information, it is requested that the General Counsel find no reason to believe that the Act has been violated and recommend that the Federal Election Commission take no further action in this matter.

Sincerely,


Michael R. Fanning
Counsel

MRF/jlw

Enclosures

84040174237

J. C. TURNER
Chairman

FRANK HANLEY
Treasurer

1125 Seventeenth Street, N.W.
Washington, D.C. 20036
202-347-8560

EXHIBIT 1

Engineers Political Education Committee



June 1, 1982

Mr. Ralph Bohannon, Treasurer
FRIENDS OF ROBERT C. BYRD
400 N. Capitol St., Suite 325
Washington, D.C. 20001

Dear Mr. Bohannon:

Attached hereto is our check No. 000696 in the amount of
\$5,000 as a contribution from the Engineers
Political Education Committee of the International
Union of Operating Engineers for Senator Byrd's general
election campaign.

If this check together with any other contributions
from our Local Unions exceeds the amount provided
by Federal Law, please advise.

Sincerely,

J. C. Turner

J. C. Turner
CHAIRMAN

Frank Hanley

Frank Hanley
TREASURER

JCT:FH/kmg

Enc. (1)

84040474238

(Summary Page)

1. Name of Committee (in Full) Engineers Political Education Committee (EPEC)/International Union of Operating Engineers (IUOE) Address (Number and Street) 1125 17th Street, N. W. City, State and ZIP Code Washington, D. C. 20036 ☐ Check if address is different than previously reported. 2. FEC Identification Number C-00029504 3. ☐ This committee qualified as a multicandidate committee during this Reporting Period on _____ (date)	4. TYPE OF REPORT (check appropriate boxes) (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) ☒ Monthly Report for <u>May 1982</u> ☐ 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 _____ ☐ Termination Report (b) Is this Report an Amendment? ☒ YES ☐ NO
--	---

SUMMARY

	Column A This Period	Column B Calendar Year-to-Date
5. Covering Period <u>5/1/82</u> Through <u>5/31/82</u>		
6. (a) Cash on Hand January 1, 19<u>82</u>		\$ 148,383.83
(b) Cash on Hand at Beginning of Reporting Period	\$ 202,247.69	
(c) Total Receipts (from Line 18)	\$ 34,882.47	\$ 219,508.53
(d) Subtotal (add lines 6(b) and 6(c) for Column A and lines 6(a) and 6(c) for Column B)	\$ 237,130.16	\$ 367,892.36
7. Total Disbursements (from Line 28)	\$ 61,995.09	\$ 192,757.29
8. Cash on Hand at Close of Reporting Period (subtract line 7 from 6(d)) ..	\$ 175,135.07	\$ 175,135.07
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C or Schedule D)	\$ - 0 -	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C or Schedule D)	\$ - 0 -	

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

For further information, contact:

Federal Election Commission
 Toll Free 800-424-6530
 Local 202-623-4068

Frank Hanley, Treasurer

Type or Print Name of Treasurer

June 25, 1984

Date

SIGNATURE OF TREASURER

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

All previous versions of FEC FORM 3 and FEC FORM 3a are obsolete and should no longer be used.

--	--	--	--	--	--	--	--	--

FEC FORM 3X (3/80)

34040174239

SCHEDULE B

ITEMIZED DISBURSEMENT

Page 1 of 1
LINE NUMBER 21
 (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) Engineers Political Education Committee (EPEC)/International Union of Operating Engineers (IUOE)			
A. Full Name, Mailing Address and ZIP Code Friends of Robert C. Byrd Committee 400 N. Capital Street, N. W. Washington, D. C. 20001	Purpose of Disbursement \$5,000.00 Sen. Robert C. Byrd (D), U. S. Senate, WV Disbursement for: ☐ Primary ☒ General ☐ Other (specify):	Date (month, day, year) 5-18-82	Amount of Each Disbursement This Period \$5,000.00
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ 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: ☐ Primary ☐ General ☐ Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1715

NAME OF COUNSEL: Michael R. Fanning

ADDRESS: International Union of Operating Engineers

1125 17th Street, N.W.

Washington, D.C. 20036

TELEPHONE: (202) 429-9100

14 JUN 26 AM 11:59

GENERAL COUNSEL

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.

June 26, 1984
Date

Frank Hanley
Signature

RESPONDENT'S NAME: Frank Hanley, Treasurer, Engineers Political
Education Committee

ADDRESS: International Union of Operating Engineers

1125 17th Street, N.W.

Washington, D.C. 20036

HOME PHONE: -----

BUSINESS PHONE: (202) 429-9100

84040474241

3 4 0 0 1 7 4 2 4



★
★ OFFICE OF GENERAL PRESIDENT
★

★ *International Union of Operating Engineers*
★

★ 1125 SEVENTEENTH STREET NORTHWEST ★ WASHINGTON, D.C. 20036
★

Charles N. Steele, Esq.
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

8 4 0 4 0 4 7 4 2 4 3

ST CLASS MAIL

-FROM-

XTON M. ALLCOX

Legislative Representative

Maintenance of Way Employees

801, 400 First St., N.W.

WASHINGTON, D.C. 20001



FIRST CLASS MAIL

Mr. Kenneth Cross

O. M. BERGE
PRESIDENT

6044 3838
GEOFFREY N. ZEH
SECRETARY-TREASURER

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES



Curry

OFFICE OF
SECRETARY-TREASURER

GRAND LODGE
12050 WOODWARD AVE.
DETROIT, MICHIGAN 48203

June 26, 1984

F. E. C.
4/15/84 Report

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR - 1715

Dear Mr. Gross:

This has further reference to my letter dated June 13, 1984, relative to the above-captioned Complaint, in which Mr. James Edward Antosh alleges that there may have been a violation of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. S 441a(a)) by the Maintenance of Way Political League.

The Maintenance of Way Political League submits the affidavits of Mr. Maxton M. Allcox and Ms. Susan L. Creswell, as well as an amended Page 2 to the Political League Report filed with the Federal Election Commission on April 5, 1982, in supplement of its June 13, 1984 Answer to the Complaint filed in this proceeding.

Sincerely yours,

Geoffrey N. Zeh
Secretary-Treasurer

Enclosures
cc: Mr. O. M. Berge

opelu-10

84040174244

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D. C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

Complainant,

v.

Robert C. Byrd, et al.,

Respondents.

Complaint
MUR No. 1715

AFFIDAVIT OF SUSAN L. CRESWELL

State of Michigan)
County of Wayne)

Susan L. Creswell being duly sworn, deposes and says as follows:

1. That she occupied the position of Secretary to the Secretary-Treasurer of the Brotherhood of Maintenance of Way Employees from June 3, 1981 to September 1, 1982.

2. That one of her responsibilities as Secretary to the Secretary-Treasurer was the preparation of periodic reports that were required to be filed with the Federal Election Commission (Commission) by the Maintenance of Way Political League.

3. That she prepared the Report filed by the Maintenance of Way Political League with the Commission on April 5, 1982, which reflected a five thousand dollar (\$5,000.00) contribution to Senator Robert C. Byrd for the general election.

84040474245

4. That she was not specifically advised that the five thousand dollar (\$5,000.00) contribution for Senator Robert C. Byrd from the Maintenance of Way Political League was to be designated for the general election.

5. That she assumed that the contribution in question was to be designated for the primary election, since there were no specific instructions provided her to the contrary and she had knowledge of the fact that the primary election in question was to be held on June 1, 1982.

6. That in view of said fact, she mistakenly designated the contribution to Senator Byrd for the general election rather than the primary election in the report filed with the Commission on April 5, 1982.

7. That the fact that the April 5, 1982 Report filed with Commission listed a five thousand dollar (\$5,000.00) contribution to Senator Byrd for the general election was due to a clerical error on her part and thus, the report should have designated the contribution for the primary election.

8440474246

Susan L. Creswell
Susan L. Creswell

Sworn to and subscribed before me
this 25th day of June, 1984

Arnold C. Karcher

Notary Public

My Commission expires: ARNOLD C. KARCHER
Notary Public, Macomb County, MI
My Commission Expires Mar. 25, 1987
Acting in Wayne Co.

84040474247

SCHEDULE B
ITEMIZED DISBURSEMENTS

Page 1 of 5 for
LINE NUMBER _____
 (Use separate schedules for each
 category of the Detailed
 Summary Page)

AMENDMENT TO APRIL 15 QUARTERLY REPORT
1-1-82 THROUGH 3-31-82

JUNE 25, 1984

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)

Maintenance of Way Political League

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Hon. Robert C. Byrd Dem-Senate-WV c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Friends of Robert C. Byrd Contribution Disbursement for: ☐ Primary ☒ General ☒ Other (specify): 1982 Election	2-10-82	\$5,000.00
B. Full Name, Mailing Address and ZIP Code Democratic Senatorial Campaign Comm. c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Democratic Senatorial Campaign Committee Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Pledge	2-10-82	200.00
C. Full Name, Mailing Address and ZIP Code Hon. Henry A. Waxman Dem-24th Dis-CA c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	24th Congressional District of CA, PAC - Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/13	2-10-82	250.00
D. Full Name, Mailing Address and ZIP Code Hon. Wm. M. Brodhead Dem-17th Dis-MI c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Brodhead for Congress Comm. 1 Ticket Reception 2/24 Disbursement for: ☐ Primary ☐ General ☒ Other (specify): 1 Ticket	2-10-82	250.00
E. Full Name, Mailing Address and ZIP Code Hon. Stan Lundine Dem-39th Dis-NY c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Stan Lundine for Congress 1 Ticket Reception 2/4/82 Disbursement for: ☐ Primary ☐ General ☒ Other (specify): 1 Ticket	2-10-82	250.00
F. Full Name, Mailing Address and ZIP Code Hon. Andy Maguire Dem-Fmr. Rep. NJ c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Maguire Campaign Committee Contribution Candidate for Senate Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/26/82	2-10-82	150.00
G. Full Name, Mailing Address and ZIP Code Hon. Austin J. Murphy Dem-22nd Dis-PA c/o M. M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Congressman Murphy Campaign Comm. - Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/26/82	2-10-82	200.00
H. Full Name, Mailing Address and ZIP Code Hon. Marty Russo Dem-3rd Dis-IL c/o M.M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Russo for Congress Committee Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Reception 1/27/82	2-10-82	250.00
I. Full Name, Mailing Address and ZIP Code Hon. Stephen J. Solarz Dem-14th Dis-NY c/o M. M. Allcox Natl Legis Rep BMWE Rm 801 Railway Labor Bldg 400 1st St Washington, DC 20001	Solarz for Congress Comm. Contribution Disbursement for: ☐ Primary ☐ General ☒ Other (specify): Pledge	2-10-82	200.00
SUBTOTAL of Disbursements This Page (optional)			\$6,750.00
TOTAL This Period (last page this line number only)			

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D. C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801

Complainant

v.

Robert C. Byrd, et al.

Respondents.

Complaint
MUR No. 1715

AFFIDAVIT OF MAXTON M. ALLCOX

District of Columbia)

Washington)

Maxton M. Allcox being duly sworn, deposes and says as follows:

1. That has occupied the position of National Legislative Representative for the Brotherhood of Maintenance of Way Employees (Brotherhood) since November 1, 1978.

2. That one of his duties as National Legislative Representative for the Brotherhood has been to make recommendations to the Brotherhood for campaign contributions to be made to candidates for federal office by the Maintenance of Way Political League.

3. That prior to January 26, 1982, he was contacted by Senator Robert C. Byrd and one of his aides and asked if the Brotherhood would consider making a contribution to his primary election campaign from the Maintenance of Way Political League.

34040474249

4. That on or about January 26, 1980, he requested that the Maintenance of Way Political League forward a five thousand dollar (\$5,000.00) contribution to Senator Byrd.

5. That he did not specify that the contribution in question was to be designated for the primary election, because he assumed that it would be so designated in view of the fact that the primary election was to be held on June 1, 1982.

6. That his office does not have responsibility for the filing of periodic reports by the Maintenance of Way Political League with the Federal Election Commission (Commission) and copies of such reports are not furnished to his office for review.

7. That he has had an opportunity to review the report filed on April 5, 1982, which reflected the Maintenance of Way Political League's five thousand dollar (\$5,000.00) contribution to Senator Byrd on February 10, 1982 and would have requested that the report be amended to reflect a contribution to the primary election rather than the general election had he been aware of the reporting error.

8. That the February 10, 1982 five thousand dollar (\$5,000.00) contribution to Senator Byrd was intended to be designated for the primary election to be held on June 1, 1982 and the quarterly report filed with the Commission on April 5, 1982, erroneously reflected his original intent when requesting the contribution on behalf of Senator Byrd.

84040474250

Merton M. Allcox

Merton M. Allcox

Sworn to and subscribed before me
this 27th day of June, 1984

Alice L. Shupe

Notary Public

My Commission expires: My Commission Expires September 30, 1985

84040474251

GCC#3754

PERKINS, COIE, STONE, OLSEN & WILLIAMS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

SEATTLE OFFICE
1900 WASHINGTON BUILDING
SEATTLE, WASHINGTON 98101
TELEPHONE: (206) 462-0770
CABLE "PERKINS SEATTLE"
TELEX: 26-0210

ANCHORAGE OFFICE
SUITE 301
480 "L" STREET
ANCHORAGE, ALASKA 99501
TELEPHONE: (907) 279-0551

1110 VERMONT AVENUE, N.W.
WASHINGTON, D.C. 20005
TELEPHONE: (202) 597-0080
FACSIMILE (202) 523-0080
TELEX: 44-0177

PLEASE REPLY TO WASHINGTON, D.C. OFFICE

BELLEVUE OFFICE
ONE BELLEVUE CENTER
SUITE 1500
411 - 109TH AVENUE N.E.
BELLEVUE, WASHINGTON 98004
TELEPHONE: (206) 455-0000

PORTLAND OFFICE
ONE MAIN PLACE
SUITE 1600
101 S.W. MAIN STREET
PORTLAND, OREGON 97204
TELEPHONE: (503) 325-1400

June 22, 1984

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1715

Dear Mr. Gross:

By telephone call today, June 22, 1984, I advised you on behalf of all respondents in the above-captioned matter that a brief extension for submission of their response was required. An extension of only three (3) working days, to June 27, 1984, is needed owing to certain unanticipated delays in collecting information required for the preparation of a full and complete response. I herewith respectfully request that this extension be granted.

Very truly yours,

Robert E. Bauer
Robert E. Bauer

RFB/taw

84040474252

6/22/84 5:37

600#2754

STATEMENT OF DESIGNATION OF COUNSEL

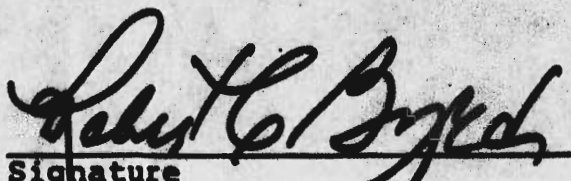
MUR

1715

NAME OF COUNSEL: Robert F. Bauer, Esq.
Perkins, Cole, Stone, Olsen & Williams
ADDRESS: 1110 Vermont Avenue, N.W.
Suite 1200
Washington, D.C. 20005
TELEPHONE: (202) 887-9030

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.

June 22, 1984
Date


Signature

RESPONDENT'S NAME: 1. Robert C. Byrd, U.S. Senator 2. Ralph Bohannon
ADDRESS: 311 Senate Hart Building P.O. Box 2190
Washington, D.C. 20510 Clarksburg, WVA 26302-
2190
HOME PHONE: _____ 3. Friends of Robert C.
Byrd Committee
P.O. Box 2190
BUSINESS PHONE: 224-3954 Clarksburg, WVA 26302-
2190

84040474253

34040174254

PERKINS, COIE, STONE, OLSEN & WILLIAMS

1110 VERMONT AVENUE, N.W.
WASHINGTON, D.C. 20005

Kenneth A. Gross, Esq.
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

08:50

7th FLOOR

STATEMENT OF DESIGNATION OF COUNSEL

MUR No. 1715

NAME OF COUNSEL: Herbert G. Underwood

ADDRESS: Steptoe & Johnson

PO Box 2190

Clarksburg, WV 26302-2190

TELEPHONE: (304) 624 8000

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.

June 21, 1984

Date

Ralph Bohannon
Signature

RESPONDENT'S NAME: Ralph Bohannon

ADDRESS: Steptoe & Johnson

PO Box 2190

Clarksburg, WV 26302-2190

HOME PHONE: (304) 842 3784

BUSINESS PHONE: (304) 624 8000

3
4
0
4
0
4
7
4
2
5
5

8 4 0 4 0 4 7 4 2 5 6

STEPTOE & JOHNSON
ATTORNEYS AT LAW
UNION NATIONAL CENTER EAST
P. O. BOX 2190
CLARKSBURG, W. VA. 26302-2190

CERTIFIED

P 406 687 949

MAIL

RETURN RECEIPT REQUESTED

FIRST CLASS MAIL

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

FIRST CLASS MAIL



RECEIVED AT THE REC
62# 3790
84 JUN 25 P1:17

STEPTOE & JOHNSON

ATTORNEYS AT LAW

SIXTH FLOOR

UNION NATIONAL CENTER EAST

P. O. BOX 2180

CLARKSBURG, W. VA. 26006-2180

(304) 624-8000

June 21, 1984

OF COUNSEL
WILLIS G. SHAY
THOMAS A. WHITE

WRITER'S DIRECT DIAL NUMBER

(304) 624-8112

TELECOPIER

(304) 624-2876

RALPH BOHANNON
ERNEST C. SWIGER
HERBERT G. UNDERWOOD
JACKSON L. ANDERSON
ROBERT G. STEELE
JAMES M. WILSON
PATRICK D. DEEN
ROBERT M. STEPTOE JR.
ANNE R. WILLIAMS
JAMES D. GRAY
VINCENT A. COLLINS
JAMES A. RUSSELL
FRANK E. SIMMERMAN JR.
WILLIAM T. BELCHER
MICHAEL L. BRAY
J. GREG GOODYKOONTZ
IRENE M. KEELER
EVANS L. KING JR.
WALTER L. WILLIAMS
SUSAN S. BREWER
RONALD M. HANLAN
STEVEN F. BRINER
C. DAVID MORRISON
HARRY P. WADDELL
CLEMENT D. CARTER III
W. HENRY LAWRENCE IV
WILLIAM E. GALEOTA
CHRISTOPHER P. BASTEN
GORDON H. COPLAND
RANDALL C. LIGHT

CERTIFIED, RETURN RECEIPT
REQUESTED

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

Gentlemen:

This letter is in response to your Complaint MUR No. 1715.

For several years, I have been the treasurer of the Friends
of Robert C. Byrd Committee.

In your Complaint, two contributions are pointed to as being
the cause of the problem—one by EPEC/IUOE and the other by Maintenance
of Way Political League. I have searched my memory and the records
that I have and wish to state that I had no knowledge prior to the re-
ceipt of this Complaint that the Rules of the Federal Election Commis-
sion may have been violated. I have no knowledge that the dates were
changed or the designation of the use of the money, or that anything
else was changed in order to make the contributions properly usable.

Some years ago, I was asked by one of my former partners,
Stanley C. Morris, Jr., to write a trust for the Friends of Robert C.

34040474257

Federal Election Commission,
June 21, 1984,
Page two.

Byrd Committee whereby money left over from a previous campaign would be placed in a trust that would, among other things, receive the balance on hand and future contributions, and pay proper bills. Stanley C. Morris, Jr., was then the president of the Committee and was a member of the Washington firm of Steptoe & Johnson, which was then a part of the Steptoe & Johnson partnership, of which I am a member in the Clarksburg firm. My understanding is that he had become involved in this because Senator Byrd was his neighbor. I wrote the agreement, and shortly thereafter was named treasurer of the Committee.

There was not much to do as treasurer until it became apparent that Senator Byrd would seek reelection in 1982. My secretary, Mrs. Ruth Barton, and I handled all the treasurer's duties for a while, but it soon became apparent that this procedure was not workable. At all times, we worked without pay and without reimbursement for expenses, and neither intend and never intended to seek any. No favors were asked of Senator Byrd by me then or now, and I have none in mind. Sometime around the end of 1981 or beginning of 1982, in view of the fact that a different system was needed, the treasurer's duties for the most part were shifted to Washington, D. C. A system was worked out by the president of the Committee whereby the data was entered into a computer by clerks, and another person was named as assistant treasurer. Thereafter, only a very few checks were received directly by me, and they were sent

84040474258

Federal Election Commission,
June 21, 1984,
Page three.

on to Washington to be processed. Most of the contributions were received in Washington. The reports were prepared there and were filed under my name by the assistant treasurer. The contributions were sent back to my office to be deposited with the Trustee, under pressure that they be deposited as quickly as possible. On one or two occasions, I communicated with Stanley C. Morris, Jr., the president of the Committee, about the possibility that the Federal election laws might not be complied with. Then or later, he advised me that he had checked and there was no problem.

Stanley C. Morris, Jr., died suddenly about three weeks ago. So far as I know, a new president for the Committee has not been named.

I have done what I can to check the two contributions discussed in the Complaint. First, is the one by the Engineers Political Education Committee, which the Complaint states was made on May 18, 1982, and bore no designation of the election for which it was intended and which the Complaint states was made prior to the Primary Election date of June 1, 1982. The report by the Committee indicates that the contribution was received by it on June 18 and not May 18 and that it was for the General Election. I have checked with the Trustee, and it reports that this check was received by it on June 22, 1982. I have obtained a copy of the check from the microfilm records of the Trustee and find that it was not dated on May 18 but, instead, May 25. The way that this contribution was

84040474259

Federal Election Commission,
June 21, 1984,
Page four.

handled is evidence to me that it was received after June 1 and, possibly, on or about the date it was entered into the computer. The Trustee received other checks and made other deposits between the 1st of June and the 22nd of June.

The other contribution which is a subject of the Complaint is the check of the Maintenance of Way Political League dated February 10, 1982, in the amount of \$5,000.00. Another contribution was received from this League about seven and one-half months later on September 22, 1982, in the amount of \$1,000.00. It is the position taken in the Complaint, based on the information available, that they were both meant for the General Election and, therefore, exceeded the maximum of \$5,000.00. However, I have had a copy of the first check retrieved from the microfilm records of the Trustee, and I find nothing on it to have alerted me that it was for the General Election. February 10 is a strange time to receive a contribution for the General Election and none for the Primary when the Primary is on June 1. A copy of the report was prepared by the assistant treasurer in Washington, and copy sent to me showing the amount as being for the Primary Election. It was not until I received the Complaint that I was aware that the check or some other document may have designated it for the "General Election."

Since receiving the Complaint, I have not talked to any of the other parties mentioned in it. Stanley C. Morris, Jr., the president of

84040474260

34040474261

Federal Election Commission,
June 21, 1984,
Page five.

Committee, is the one normally that I would have talked with but, due to his untimely death, that, of course, is impossible. He was very active in the affairs of the Committee and seemed to know all the details concerning it.

As I stated earlier herein, prior to the receipt of the Complaint, I had no knowledge of any fact or action that might have violated the Federal Election Commission Act; nor that any other member of the Committee had such knowledge. An affidavit will be filed by me upon request.

I have designated my partner Herbert G. Underwood as my counsel, and the form provided is attached. If you believe that the Act was violated or may have been violated, a conference is requested.

Very truly yours,

Ralph Bohannon
Ralph Bohannon

RB:B

Maintenance of Way Political League

12800 Woodward Avenue
Detroit, Michigan 48203

0 1 7 4 2 6 2

RECEIVED AT THE FEC
JUN 13 84
84 JUN 18 1984

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

CERTIFIED

P33 4221787

MAIL

RETURN RECEIPT
REQUESTED

RECEIVED AT THE FEC

O. H. BRIDGE
PRESIDENT

GEOFFREY N. ZEN
SECRETARY-TREASURER

84 JUN 18 11:16

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES



OFFICE OF
SECRETARY-TREASURER

GRAND LODGE
12000 WOODWARD AVE.
DETROIT, MICHIGAN 48203

June 13, 1984

CERTIFIED MAIL
NO. P33 4221787

Mr. Kenneth A. Gross
Associate General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR - 1715

Dear Mr. Gross:

This has reference to your letter dated June 7, 1984, addressed to former Maintenance of Way Political League Treasurer B. L. Sorah in connection with the above-referenced complaint filed with the Federal Election Commission by Mr. James Edward Antosh alleging that there may have been a violation of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. S 441a(a)) by the Maintenance of Way Political League.

A review of the Political League's records discloses that two checks representing contributions to Senator Robert C. Byrd were issued on February 10, 1982 and September 17, 1982, in the amount of \$5,000.00 and \$1,000.00 respectively. The Political League's records also reflect that it filed reports with the Federal Election Commission on April 15, 1982, and October 15, 1982 and listed contributions to Senator Byrd for the general election in the amounts described above.

The contribution listed in the Federal Election Commission Report filed on April 15, 1982, should have reflected a \$5,000.00 contribution to Senator Byrd on February 10, 1982, for the primary election held on June 1, 1982, rather than the general election as reflected in our report. Due to a clerical error on the part of the office staff, the General Election box was checked on the report and thus, the February 10, 1982 contribution was not reported as a contribution to the primary election as it should have been. As a result, reports filed by the Maintenance of Way Political League erroneously reflected a combined contribution of \$6,000.00 to Senator Byrd for the General Election in apparent conflict with the Federal Election Campaign Act.

84040174263

Mr. Kenneth A. Gross

- 2 -

June 13, 1984

Therefore, the appearance of a violation of the Federal Election Campaign Act was due solely to a clerical error in preparing the Report of Receipts and Disbursements filed with the Federal Election Commission on April 15, 1982, and as such, does not constitute a violation of the Act as alleged in the complaint.

In view of the foregoing, the Maintenance of Way Political League respectfully requests that the complaint be dismissed. The Political League will also take appropriate action to file an amended report with the Commission reflecting the correct allocation of the February 10, 1982 contribution of \$5,000.00 to Senator Byrd for the primary election.

I would be happy to meet with you or the members of your staff if it would assist in the resolution of this matter.

Sincerely yours,


Treasurer

cc: Mr. O. M. Berge
Mr. P. Griffin
opelu-10

84040474264



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1984

Michael E. Avakian, Esquire
Martha M. Poindexter, Esquire
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia, 22151

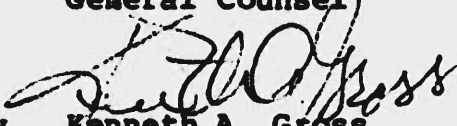
Dear Mr. Avakian and Ms. Poindexter:

This letter is to acknowledge receipt of the complaint of your client, James Edward Antosh, which we received on May 31, 1984, against Senator Robert C. Byrd; Ralph Bohannon; Friends of Robert C. Byrd Committee; Frank Hanley; Engineers Political Education Committee/International Union of Operating Engineers; B.L. Sorah; and Maintenance of Way Political League, which alleges violations of the Federal Election Campaign laws. A staff member has been assigned to analyze your allegations. The respondent will be notified of this complaint within five days.

You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information, we have attached a brief description of the Commission's procedure for handling complaints. If you have any questions, please contact Barbara A. Johnson at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

84040474265



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1984

BY HAND

The Honorable Robert C. Byrd
311 Hart Senate Office Building
Washington, D.C. 20510

Re: MUR 1715

Dear Senator Byrd:

This letter is to notify you that on May 31, 1984 the Federal Election Commission received a complaint which alleges that you may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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 matter to be made public. We note that on June 5, 1984 you waived confidentiality, however we further note that we have not received waivers of confidentiality from the other respondents in this matter. Thus, as to those respondents the confidentiality provision is still intact.

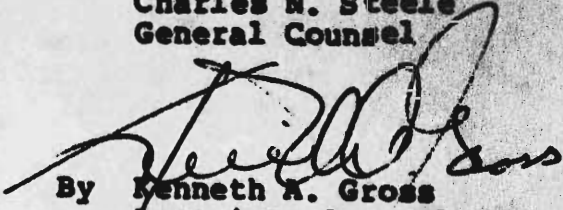
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040474266

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel


By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

84040474267



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

B.L. Sorah, Treasurer
Maintenance of Way
Political League
12050 Woodward Avenue
Detroit, Michigan 48203

Re: MUR 1715

Dear Mr. Sorah:

This letter is to notify you that on May 31, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually, and as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, individually, and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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 matter to be made public.

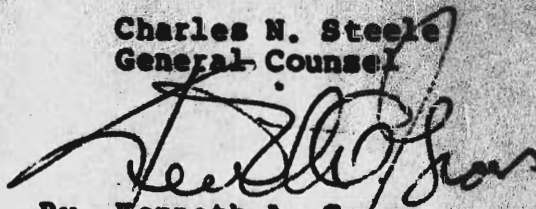
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040474268

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 523-4143. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

cc: Senator Robert C. Byrd

84040474269



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Frank Hanley, Treasurer
Engineers Political Education
Committee/International Union
of Operating Engineers
1125 17th Street, N.W.
Washington, D.C. 20036

Re: MUR 1715

Dear Mr. Hanley:

This letter is to notify you that on May 31, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually, and as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, individually, and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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 matter to be made public.

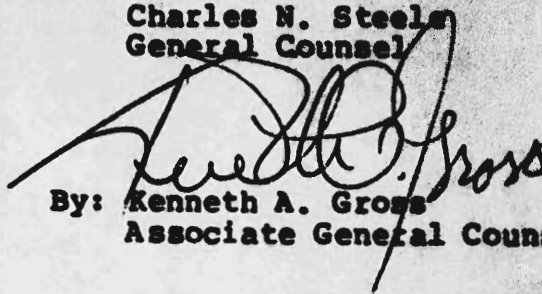
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040174270

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

84040474271



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1984

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph Bohannon, Treasurer
Friends of Robert C. Byrd
P.O. Box 2190
Clarkburg, West Virginia 26302-2190

Re: MUR 1715

Dear Mr. Bohannon:

This letter is to notify you that on May 31, 1984 the Federal Election Commission received a complaint which alleges that the committee and you, individually, and as treasurer, may have violated certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 1715. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against the committee and you, individually, and as treasurer, in connection with this matter. Your response must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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 matter to be made public.

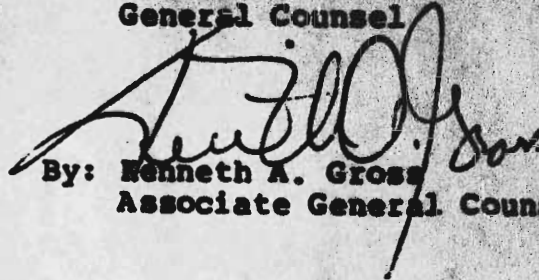
If you intend to be represented by counsel in this matter please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and a statement authorizing such counsel to receive any notifications and other communications from the Commission.

84040474272

If you have any questions, please contact Deborah Curry, the attorney assigned to this matter at (202) 523-4000. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles H. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

1. Complaint
2. Procedures
3. Designation of Counsel Statement

84040474273



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 5, 1984

MEMORANDUM

TO: The File

FROM: Kenneth A. Gross
Associate General Counsel *KAG*

SUBJECT: Antosh complaint filed against
Senator Byrd

On June 4, 1984, I had a discussion with Sharon Synder concerning a request she received from a reporter concerning an Antosh complaint filed against Senator Byrd and his committee. Senator Byrd has waived confidentiality in writing and Sharon wanted to know whether she could give a reporter the gist of the complaint. I told her that even though confidentiality had been waived under § 437g, we were still engaged in an active matter and other exemptions might apply under FOIA. I also indicated that a request for the gist of the complaint should not be responded to substantively because of the possible mischaracterization that press may give to an open file.

I said that if the reporter wanted to file a FOIA request for the complaint we would seek to respond quickly but we would still have to review the request to see if certain information should not be released notwithstanding the waiver of confidentiality. See MUR 1190 Pink Sheet on the Left, Phillips Publishing.

I discussed this matter briefly with Vinny Convery.

cc: Charles N. Steele
Lawrence M. Noble
Vinny Convery

34040474274



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 4, 1984

MEMORANDUM

TO: Charles N. Steele
General Counsel

ATTENTION: Kenneth A. Gross
Associate General Counsel

THROUGH: John C. Surina
Staff Director

FROM: Mark Davis, Director
Congressional Affairs

SUBJECT: Attached Letter from Senator Robert Byrd
and Attending Conversations

Attached is a letter from Senator Robert Byrd which was hand-delivered to me at 6:15 p.m., Friday, June 1, 1984. The circumstances surrounding my receipt of it are set forth below.

Just before noon on June 1, a representative of Senator Byrd called and told me that the Center on National Labor Policy had scheduled a news conference to announce the filing of a complaint with the Commission alleging that the Senator's 1982 campaign committee had accepted excessive contributions from certain labor organizations. He read me excerpts of an earlier letter the Senator had received from the Center which referenced specific transactions. At his request, I prepared and delivered an "E" Index and copies from microfilm of the transactions in question (as reported both by the contributors and recipient). I also provided a copy of the FECA, Commission regulations and the Campaign Guide for Congressional Candidates and Committees.

At approximately 4:00 p.m., Senator Byrd personally called. There had, in fact, been a press conference and a story had moved on the UPI West Virginia wire which disturbed the Senator. I checked with Docket and advised that a complaint had been received. The Senator stated that he felt the filing of the complaint was harassment and he wanted to do whatever he could to expedite closing the matter. He asked if he could write a letter to the Commission to that effect.

(Continued)

84040474275

After the Senator had the UPI article read to me, I explained to him the steps in the Commission's enforcement process -- specifically that he and other possible respondents would be provided copies of the complaint and (assuming it was legally sufficient) would be given fifteen days to formally respond. While a letter from him could not change the statutory provisions for processing, I explained, we would welcome any communication he wished to submit.

The Senator asked if the Commission would release or otherwise confirm receipt of his letter. I informed him of the confidentiality provisions of the law, the fact that all Commission employees are prohibited from discussing pending enforcement actions and that only the respondent may waive these provisions. The Senator stated that he wished to publicize his full cooperation with the Commission to help rebut some of the negative publicity in the matter. Accordingly, the attached letter was had-delivered to me at 6:15 p.m. that same day.

Attachment

84040474276

THE CHIEF CLERK, ALABAMA
LOWELL P. WOODWARD, JR., SEN.
JAMES A. MC CLAIN, SEN.
PAUL LARLEY, SEN.
JAMES GARD, SEN.
THOMAS GOODMAN, MISS.
MARTIN GOODMAN, JR., SEN.
JAMES GORDON, S. SEN.
ROBERT W. HARTMAN, JR., WIS.
ALFONSO M. SPANATO, N.Y.
DAVID HARTWICK, SEN.
WILLIAM HARTMAN, SEN.
ARLEN SPECTER, SEN.
PETE V. DOMINICK, N. MEA.

JOHN D. STUBBS, SEN.
FREDERICK E. STYER, SEN.
WILLIAM F. STUBBS, SEN.
EDWARD M. STUBBS, SEN.
EDWARD F. STUBBS, SEN.
THOMAS F. STUBBS, SEN.
LANTIER STUBBS, SEN.
J. STUBBS, SEN.
WALTER M. STUBBS, N.Y.
WALTER M. STUBBS, N. MEA.
PATRICK J. LEWIS, N.Y.
JIM GARNER, TENN.
BENNY DE CONNO, ARIZ.
DALE GARNER, ARIZ.

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, D.C. 20510

June 1, 1984

Commissioner Lee Ann Elliott
Chairman
Federal Election Commission
Washington, D.C.

Dear Commissioner Elliott:

It has been brought to my attention by news reports today that the Center on National Labor Policy has filed a complaint with the Federal Election Commission against my 1982 reelection committee.

My campaign committee has always made every effort to cooperate fully with the requirements of the Federal Election Campaign Act. Great care was taken to comply fully and report promptly in accordance with the law.

I urge the Commission to act as expeditiously as possible to resolve the complaints made by the Center on National Labor Policy.

I stand ready to assist you in any way necessary in order to put this matter to rest as soon as possible, and, therefore, I hereby waive the confidentiality provision of the Federal Election Campaign Act and approve the public release of this letter.

Sincerely yours,

Robert C. Byrd

84040474277



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

pg: 55

MUR 1715
Curry

June 4, 1984

MEMORANDUM

TO: Charles N. Steele
General Counsel

ATTENTION: Kenneth A. Gross
Associate General Counsel

THROUGH: John C. Surina
Staff Director

FROM: Mark Davis, Director
Congressional Affairs

SUBJECT: Attached Letter from Senator Robert Byrd
and Attending Conversations

Attached is a letter from Senator Robert Byrd which was hand-delivered to me at 6:15 p.m., Friday, June 1, 1984. The circumstances surrounding my receipt of it are set forth below.

Just before noon on June 1, a representative of Senator Byrd called and told me that the Center on National Labor Policy had scheduled a news conference to announce the filing of a complaint with the Commission alleging that the Senator's 1982 campaign committee had accepted excessive contributions from certain labor organizations. He read me excerpts of an earlier letter the Senator had received from the Center which referenced specific transactions. At his request, I prepared and delivered an "E" Index and copies from microfilm of the transactions in question (as reported both by the contributors and recipient). I also provided a copy of the FECA, Commission regulations and the Campaign Guide for Congressional Candidates and Committees.

At approximately 4:00 p.m., Senator Byrd personally called. There had, in fact, been a press conference and a story had moved on the UPI West Virginia wire which disturbed the Senator. I checked with Docket and advised that a complaint had been received. The Senator stated that he felt the filing of the complaint was harassment and he wanted to do whatever he could to expedite closing the matter. He asked if he could write a letter to the Commission to that effect.

(Continued)

84040474278

After the Senator had the UPI article read to me, I explained to him the steps in the Commission's enforcement process -- specifically that he and other possible respondents would be provided copies of the complaint and (assuming it was legally sufficient) would be given fifteen days to formally respond. While a letter from him would not change the statutory provisions for processing, I explained, we would welcome any communication he wished to submit.

The Senator asked if the Commission would release or otherwise confirm receipt of his letter. I informed him of the confidentiality provisions of the law, the fact that all Commission employees are prohibited from discussing pending enforcement actions and that only the respondent may waive these provisions. The Senator stated that he wished to publicize his full cooperation with the Commission to help rebut some of the negative publicity in the matter. Accordingly, the attached letter was had-delivered to me at 6:15 p.m. that same day.

Attachment

84040474279

THE FOLLOWING NAMES
LEONARD F. WOODMAN, JR., CHAIRMAN
JAMES A. DE CLAREN, TREASURER
FRANK LAFAYETTE MEYER
JOSEF CARL WERNER
THEODORE SCHWARTZ, M.D.
MARK ARONSON, JR., D.D.S.
JAMES SCHWARTZ, D.D.S.
ROBERT W. BOWEN, JR., M.D.
ALFRED H. WISNIEWSKI, D.V.
MARC LAFAYETTE, M.D.
STANLEY BERMAN, D.M.
JOHN SCHWARTZ, D.O.
PETER V. SCHWARTZ, D.M.D.

[illegible]

THE UNIVERSITY OF CHICAGO

United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, D.C. 20505

June 1, 1984

**Commissioner Lee Ann Elliott
Chairman
Federal Election Commission
Washington, D.C.**

Dear Commissioner Elliott:

It has been brought to my attention by news reports today that the Center on National Labor Policy has filed a complaint with the Federal Election Commission against my 1982 reelection committee.

My campaign committee has always made every effort to co-operate fully with the requirements of the Federal Election Campaign Act. Great care was taken to comply fully and report promptly in accordance with the law.

I urge the Commission to act as expeditiously as possible to resolve the complaints made by the Center on National Labor Policy.

I stand ready to assist you in any way necessary in order to put this matter to rest as soon as possible, and, therefore, I hereby waive the confidentiality provision of the Federal Election Campaign Act and approve the public release of this letter.

Sincerely yours,

Robert C. Byrd

BCC# 3389

14 JUN 1 10:53

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

James Edward Antosh
13 Gilpin
Shawnee, Oklahoma 74801,

Complainant,

v.

Robert C. Byrd, Friends of Robert
C. Byrd Committee, Engineers
Political Education Committee/
International Union of Operating
Engineers, Maintenance of Way
Political League, and all the
Committees' treasurers,

Respondents.

Complaint
MUR No. 1715

84040474281

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Robert C. Byrd, Friends of Robert C. Byrd Committee, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), Maintenance of Way Political League and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A) during either the general or the primary election cycles.

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

- a. Robert C. Byrd
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- b. Ralph Bohannon, individually and in his capacity as treasurer of Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- c. Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- d. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- e. Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- f. B.L. Sorah, Jr., individually and in his capacity as treasurer of Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

- g. Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

III. LIABILITY

3. Liability may be imposed upon the candidate, Robert C. Byrd, Friends of Robert C. Byrd Committee, EPEC/IUOE and Maintenance of Way Political League pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Robert C. Byrd was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Robert C. Byrd, Friends of Robert C. Byrd Committee, and EPEC/IUOE filed for the 1982 federal primary election; and which Robert C. Byrd, Friends of Robert C. Byrd Committee and

Maintenance of Way Political League filed for the 1982 federal general election.

7. For the 1982 federal primary election, excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by EPEC/IUOE and its treasurer. For the 1982 federal general election excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

**V. VIOLATIONS OF THE F.E.C.A. BY
FRIENDS OF ROBERT C. BYRD COMMITTEE
IN THE 1982 FEDERAL PRIMARY AND GENERAL ELECTIONS**

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its

84040474286

treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

10. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
12/29/81	\$2,000.00	82020013396
3/1/82	\$3,000.00	82020051800
6/18/82	<u>\$5,000.00</u>	82020091123
Total	\$10,000.00	

11. A running total of contributions from EPEC/IUOE would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by March 1, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

84040474287

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made on May 18, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 82032332197). However, the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982. Therefore, the contribution is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82020091123). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from Maintenance

of Way Political League in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

14. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal general election, accepted contributions from Maintenance of Way Political League in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
2/24/82	\$5,000.00	82020051805
9/22/82	<u>\$1,000.00</u>	82020140632
Total	\$6,000.00	

15. A running total of contributions from Maintenance of Way Political League would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on February 24, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from Maintenance of Way Political League. In violation of 2 U.S.C. §441a(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$1,000.00 (ONE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

84040474289

16. Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution of February 10, 1982 which was designated by Maintenance of Way Political League as a contribution for the general election. (See F.E.C. Microfilm # 82032263456). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm # 82020051805). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein."

**VI. VIOLATIONS OF THE F.E.C.A. BY
EPEC/IUOE
IN THE 1982 FEDERAL PRIMARY ELECTION**

17. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE, for the 1982 federal primary election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

18. EPEC/IUOE contributed the following amounts:

a. On November 24, 1981, EPEC/IUOE contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032145381).

b. On February 9, 1982, EPEC/IUOE contributed \$3,000.00 (THREE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032253393).

c. On May 18, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032332197).

19. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by EPEC/IUOE would have put it on notice that as of February 9, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$5,000.00 (FIVE THOUSAND DOLLAR) contribution on May 18, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

20. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer on May 18, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Microfilm # 82032332197). Since the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982, it is considered a contribution

for the primary election in accordance with 11 C.F.R. §110.1
(a)(2)(ii)(A).

**VII. VIOLATIONS OF THE F.E.C.A. BY
MAINTENANCE OF WAY POLITICAL LEAGUE
IN THE 1982 FEDERAL GENERAL ELECTION**

21. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that Maintenance of Way Political League, for the 1982 federal general election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

22. Maintenance of Way Political League contributed the following amounts:

a. On February 10, 1982, Maintenance of Way Political League contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032263456).

b. On September 17, 1982, Maintenance of Way Political League contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032462427).

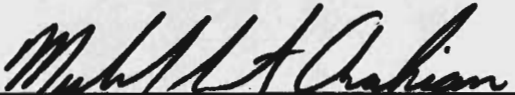
23. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League would have put it on notice that as

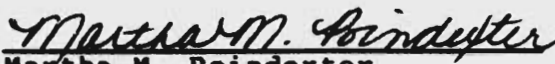
of February 10, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Maintenance of Way Political League made a \$1,000.00 (ONE THOUSAND DOLLAR) contribution on September 17, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

IX. CONCLUSION

24. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

25. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.


Michael Ernest Avakian
Center on National Labor Policy


Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

June 1, 1984

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 21st day of May 1984.

Kenise K. Almon
Notary Public

My Commission expires:

My Commission Expires Sept. 17, 1986

84040474293

DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorneys identified below as complainant's attorneys of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

May 21, 1984
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

84040474294

84040474295

Complainant,

V.

Respondents.

Complaint
MUR No.

I. INTRODUCTION

1. Pursuant to 2 U.S.C. §437g(a)(1) James Edward Antosh brings this complaint against former candidate for federal public office, Robert C. Byrd, Friends of Robert C. Byrd Committee, Engineers Political Education Committee/International Union of Operating Engineers ("EPEC/IUOE"), Maintenance of Way Political League and all the Committees' treasurers individually and in their capacities as treasurers for the making and receiving of excessive contributions in violation of 2 U.S.C. §441a(f) and 2 U.S.C. §441a(a)(2)(A) during either the general or the primary election cycles.

II. PARTIES

2. Complainant is James Edward Antosh who resides at 13 Gilpin, Shawnee, Oklahoma 74801. He is a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

Respondents are:

- a. Robert C. Byrd
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1725 DeSales Street
Washington, D.C. 20036.

- b. Ralph Bohannon, individually and in his capacity as treasurer of Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1/25 DeSales Street
Washington, D.C. 20036.

- c. Friends of Robert C. Byrd Committee,
P.O. Box 2190
Clarksburg, West Virginia 26302-2190,

400 N. Capitol Street
Suite 325
Washington, D.C. 20001 and,

1/25 DeSales Street
Washington, D.C. 20036.

- d. Frank Hanley, individually and in his capacity as treasurer of Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- e. Engineers Political Education Committee/International Union of Operating Engineers,
1125 17th Street, N.W.
Washington, D.C. 20036.

- f. B.L. Sorah, Jr., individually and in his capacity as treasurer of Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

- g. Maintenance of Way Political League,
12050 Woodward Avenue
Detroit, Michigan 48203.

III. LIABILITY

3. Liability may be imposed upon the candidate, Robert C. Byrd, Friends of Robert C. Byrd Committee, EPEC/IUOE and Maintenance of Way Political League pursuant to 2 U.S.C. §441a(a) which establishes the \$5,000.00 (FIVE THOUSAND DOLLAR) maximum contribution ceiling and 2 U.S.C. §441a(f) which proscribes a candidate or political committee from accepting any contributions in excess of \$5,000.00 (FIVE THOUSAND DOLLARS).

4. Liability may be imposed on the treasurers, personally and in their capacities as treasurers pursuant to 11 C.F.R. §104.14(d).

IV. OVERVIEW

5. Based on Complainant's information and belief, Respondents have contributed or received an aggregate in excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal primary election or an excess of \$5,000.00 (FIVE THOUSAND DOLLARS) for the 1982 federal general election in which Robert C. Byrd was a candidate for public office. Complainant bases his belief on review of the Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" which Robert C. Byrd, Friends of Robert C. Byrd Committee, and EPEC/IUOE filed for the 1982 federal primary election; and which Robert C. Byrd, Friends of Robert C. Byrd Committee and

Maintenance of Way Political League filed for the 1982 federal general election.

7. For the 1982 federal primary election, excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by SPEC/IUOE and its treasurer. For the 1982 federal general election excessive funds were contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League and its treasurer.

8. These unlawful contributions constitute a violation of the Federal Election Campaign Act, 2 U.S.C. §441a(a)(2)(A), which provides that a multicandidate political committee may not contribute more than \$5,000.00 (FIVE THOUSAND DOLLARS) to any candidate and his authorized political committee with respect to any election for federal office and §441a(f) which prohibits a candidate from receiving illegal contributions.

**V. VIOLATIONS OF THE F.E.C.A. BY
FRIENDS OF ROBERT C. BYRD COMMITTEE
IN THE 1982 FEDERAL PRIMARY AND GENERAL ELECTIONS**

9. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its

84040474300

treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal primary election from EPEC/IUOE in the amount of \$10,000.00 (TEN THOUSAND DOLLARS).

10. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal primary election, accepted contributions from EPEC/IUOE in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>P.E.C. Microfilm Location</u>
12/29/81	\$2,000.00	82020013396
3/1/82	\$3,000.00	82020051800
6/18/82	<u>\$5,000.00</u>	82020091123
Total	\$10,000.00	

11. A running total of contributions from EPEC/IUOE would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) by March 1, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from EPEC/IUOE. In violation of 2 U.S.C. §441(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$5,000.00 (FIVE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

84040474301

12. EPEC/IUOE and its treasurer failed to designate whether the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made on May 13, 1982 was intended for the primary or the general election. (See F.E.C. Microfilm # 82032332197). However, the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982. Therefore, the contribution is considered a contribution for the primary election in accordance with 11 C.F.R. §110.1(a)(2)(ii)(A). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the general election. (See F.E.C. Microfilm # 82020091123). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein." Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer knowingly misreported the contribution in order to accept contributions in excess of the statutory limit.

13. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, Complainant believes that candidate for public office, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, in violation of 2 U.S.C. §441a(f), knowingly accepted contributions for the 1982 federal general election from Maintenance

of Way Political League in the amount of \$6,000.00 (SIX THOUSAND DOLLARS).

14. Candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer, for the 1982 federal general election, accepted contributions from Maintenance of Way Political League in the following amounts:

<u>Date Received</u>	<u>Amount</u>	<u>F.E.C. Microfilm Location</u>
2/24/82	\$5,000.00	82020051805
9/22/82	<u>\$1,000.00</u>	82020140632
Total	\$6,000.00	

15. A running total of contributions from Maintenance of Way Political League would have put on notice Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer that they had received \$5,000.00 (FIVE THOUSAND DOLLARS) on February 24, 1982. On that date, Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer could no longer lawfully accept any contributions from Maintenance of Way Political League. In violation of 2 U.S.C. §441a(f), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer accepted a contribution from this contributor in the amount of \$1,000.00 (ONE THOUSAND DOLLARS). This amount exceeded the statutory monetary ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

84040474303

16. Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution of February 10, 1982 which was designated by Maintenance of Way Political League as a contribution for the general election. (See F.E.C. Microfilm # 82032263456). In violation of 11 C.F.R. §104.14(d), Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer reported it as a contribution for the primary election. (See F.E.C. Microfilm # 82020051805). F.E.C. regulation, 11 C.F.R. §104.14(d), provides that a treasurer "shall be personally responsible for the timely and complete filing of the report or statement and for the accuracy of any information or statement contained therein."

**VI. VIOLATIONS OF THE F.E.C.A. BY
EPEC/IUOE
IN THE 1982 FEDERAL PRIMARY ELECTION**

17. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that EPEC/IUOE, for the 1982 federal primary election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$10,000.00 (TEN THOUSAND DOLLARS).

18. EPEC/IUOE contributed the following amounts:

- a. On November 24, 1981, EPEC/IUOE contributed \$2,000.00 (TWO THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032145381).
- b. On February 9, 1982, EPEC/IUOE contributed \$3,000.00 (THREE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032253393).
- c. On May 18, 1982, EPEC/IUOE contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032332197).

19. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by EPEC/IUOE would have put it on notice that as of February 9, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), EPEC/IUOE made a \$5,000.00 (FIVE THOUSAND DOLLAR) contribution on May 18, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$5,000.00 (FIVE THOUSAND DOLLARS).

20. EPEC/IUOE and its treasurer failed to accurately report the \$5,000.00 (FIVE THOUSAND DOLLAR) contribution made to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer on May 18, 1982. In violation of 11 C.F.R. §104.14(d), EPEC/IUOE and its treasurer failed to designate whether the contribution was intended for the primary or the general election. (See F.E.C. Microfilm # 82032332197). Since the contribution was made before the West Virginia Congressional primary election which was held on June 1, 1982, it is considered a contribution

for the primary election in accordance with 11 C.F.R. §110.1
(a)(2)(ii)(A).

**VII. VIOLATIONS OF THE F.E.C.A. BY
MAINTENANCE OF WAY POLITICAL LEAGUE
IN THE 1982 FEDERAL GENERAL ELECTION**

21. Based on a review of the periodic reports, Federal Election Commission Forms 3 and 3X, Schedules "A" and "B" and applicable amendments, which Respondents filed with the Federal Election Commission, the Complainant believes that Maintenance of Way Political League, for the 1982 federal general election contributed to candidate Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer a total of \$6,000.00 (SIX THOUSAND DOLLARS).

22. Maintenance of Way Political League contributed the following amounts:

a. On February 10, 1982, Maintenance of Way Political League contributed \$5,000.00 (FIVE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032263456).

b. On September 17, 1982, Maintenance of Way Political League contributed \$1,000.00 (ONE THOUSAND DOLLARS). (See F.E.C. Microfilm # 82032462427).

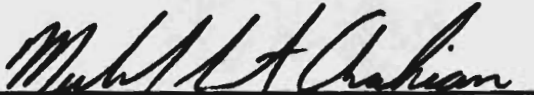
23. A running total of the amount contributed to Robert C. Byrd, Friends of Robert C. Byrd Committee and its treasurer by Maintenance of Way Political League would have put it on notice that as

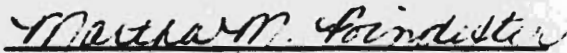
of February 10, 1982, it had contributed \$5,000.00 (FIVE THOUSAND DOLLARS). In violation of 2 U.S.C. §441a(a)(2)(A), Maintenance of Way Political League made a \$1,000.00 (ONE THOUSAND DOLLAR) contribution on September 17, 1982, which exceeded the \$5,000.00 (FIVE THOUSAND DOLLAR) ceiling by \$1,000.00 (ONE THOUSAND DOLLARS).

IX. CONCLUSION

24. As documented above, Respondents have violated the spirit and letter of the Federal Election Campaign Act.

25. Complainant requests that an investigation into this complaint be undertaken, that Respondents be ordered to return the accepted excess contributions and that civil sanctions be imposed on the Respondents.


Michael Ernest Avakian
Center on National Labor Policy


Martha M. Poindexter
Center on National Labor Policy
5211 Port Royal Road, Suite 400
North Springfield, VA 22151
(703) 321-9180

Attorneys for Complainant

June 1, 1984

VERIFICATION OF CITIZEN COMPLAINANT

Shawnee)

State of Oklahoma)

ss.

Pursuant to 2 U.S.C. §437g(a)(1), I, James Edward Antosh, being first duly sworn, say that I have read the foregoing complaint and know the contents thereof, and that the same is true on information and belief. This complaint was not filed at the request or suggestion of any candidate. I am a citizen of the United States, over the age of 18 years and a registered voter of the State of Oklahoma.

James Edward Antosh

Subscribed and sworn to before me this 21st day of May 1984.

Marion K. (M. K.)
Notary Public

My Commission expires:

My Commission Expires Sept. 17, 1986

84040474307

DESIGNATION OF COUNSEL

I, James Edward Antosh, a complainant to the attached complaint designate the attorneys identified below as complainant's attorneys of record. The Federal Election Commission shall direct all written and oral communications in connection with this matter to my designated counsel.

May 21 1984
Date

James Edward Antosh
Complainant

DESIGNATED COUNSEL

Michael Ernest Avakian
Martha M. Poindexter
Center on National Labor Policy
Suite 400
5211 Port Royal Road
Springfield, Virginia 22151

84040474308

84040404309

0-10 0-10 0-10 0-10 0-10 0-10 0-10 0-10 0-10 0-10

REF ID: A62

THE NEW YORK

OLD BANGS FLA

BTTP-JUL-68

84040474310



FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR #

1715

Date Filmed 8/27/84 Camera No. --- 1

Cameraman JRL