



FEDERAL ELECTION COMMISSION

1325 K STREET NW
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 1887

Date Filmed 4/1/86 Camera No. --- 3

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FEDERAL ELECTION COMMISSION

Conciliation materials

Routing cards

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):

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

Signed Maurice White Callaway
 date March 24, 1986



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur A. Marshall, Jr.
Court House
Upper Marlboro, MD 20772

Re: MUR 1887

Dear Mr. Marshall:

This is in reference to the complaint you filed with the Commission on January 28, 1985, concerning the Prince George's County Democratic Committee, the Prince George's Democratic Central Committee-Federal, James Rosapepe, as treasurer, Committee to Elect Sitting Judges, Ralph W. Powers, as treasurer, Republican Candidate Screening Committee, and James Pope, as treasurer.

With respect to the Prince George's County Democratic Committee, Prince George's Democratic Central Committee-Federal and James Rosapepe, as treasurer, the Commission determined that there was no reason to believe these respondents violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7 with respect to the Democratic sample ballot. The Commission determined, however, that there was reason to believe the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) with respect to the reporting of disbursements, but subsequently determined to take no further action.

As to the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, the Commission determined: that there was no reason to believe these respondents violated 2 U.S.C. §§ 441b(a) and 441d in connection with the Democratic sample ballot; and, to take no action against these respondents with respect to the Republican sample ballot.

Finally, as to the Republican Candidate Screening Committee and James Pope, as treasurer, the Commission determined that there was reason to believe these respondents: violated 2 U.S.C. § 441d with respect to the Republican sample ballot, but

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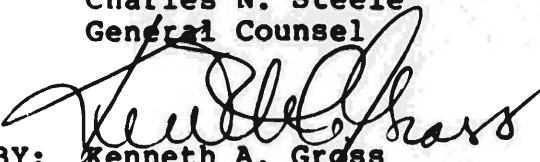
Letter to Arthur A. Marshall, Jr.
Page 2

determined to take no further action; and, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b), and conducted an investigation in this matter. On March 7, 1986, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on March 7, 1986. A copy of this agreement is enclosed for your information.

If you have any questions please contact Maura White Callaway, the staff member assigned to this matter, at 202-376-5690.

Sincerely,

Charles N. Steele
General Counsel


BY: Kenneth A. Gross
Associate General Counsel

Enclosures
Conciliation Agreement
First General Counsel's Report

36040573516



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

March 13, 1986

Loren Mark, Esquire
Douglas Bregman, P.A.
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

Re: MUR 1887

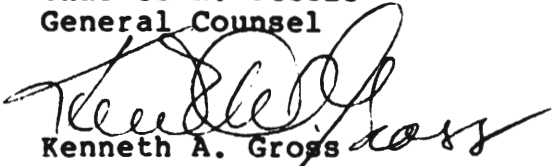
Dear Mr. Mark:

On March 7 1986, the Commission accepted the conciliation agreement signed by your clients, the Republican Candidate Screening Committee and James Pope, as treasurer, in settlement of a violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b). Accordingly, the entire file has been closed in this matter and it will become a part of the public record within thirty days. Please be advised that 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should your clients wish any such information to become part of the public record please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. If you have any questions please contact Maura White Callaway at 202-376-5690.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

36040573517

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Candidate Screening) MUR 1887
Committee; James R. Pope, as treasurer)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Arthur A. Marshall, Jr. The Commission found reason to believe that the Republican Candidate Screening Committee and James R. Pope, as treasurer, ("Respondents") violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents, and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Respondent, Republican Candidate Screening Committee, was a state political committee registered in the State of Maryland. Respondent, James R. Pope, was the treasurer of the Republican Candidate Screening Committee.

2. In connection with the 1984 primary election Respondents prepared and paid for a Republican sample ballot. The total cost of the ballot was \$2,445.23.

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3. The Republican Candidate Screening Committee paid for the ballot with funds it accepted from: Ritchie for Congress (\$500); James Pope (\$45.23); PG Delegates for Reagan Bush (\$400); and, the Committee to Elect Sitting Judges (\$1,500), a state political committee registered in Maryland.

4. Corporate contributions are permissible for use in state election campaigns in the State of Maryland.

5. Of the \$2,445.23 expended for the ballot, approximately five-sevenths of its cost (\$1,746.60) was allocable to federal elections in that five of the seven highlighted names on the ballot were in connection with a federal election. Thus, the Respondents utilized approximately \$801.37 of the commingled funds contributed by the Committee to Elect Sitting Judges to finance the federal portion of the ballot.

6. Pursuant to 2 U.S.C. § 441b(a), corporations and labor unions are prohibited from making contributions or expenditures in connection with any federal election.

7. As set forth at 11 C.F.R. § 102.5(b) organizations that are not political committees under the Act shall either: (i) establish a separate account to which only funds subject to the prohibitions and limitations of the Act shall be deposited and from which contributions, expenditures, and exempted payments shall be made. Such organization shall keep records of deposits to and disbursements from such account and, upon request, shall make such records available for examination by the Commission; or, (ii) demonstrate through a reasonable accounting method that whenever such organization makes a contribution, expenditure, or exempted payment, that organization has received sufficient funds subject to the limitations and prohibitions of the Act to make such contribution, expenditure, or payment. Such organization shall keep records of amounts received or expended under this subsection and, upon request, shall make such records available for examination by the Commission.

V. Respondents violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by making an expenditure in connection with a federal election from a fund not demonstrated to contain sufficient funds subject to the limitations and restrictions of the Federal

9 5 1 3 7 5 0 4 0 6 6

Election Campaign Act of 1971, as amended, to cover the expenditure.

VI. Respondents will pay a civil penalty of Two Hundred Dollars (\$200) to the Treasurer of the United States, pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. Respondents agree that they shall not undertake any activity which is in violation of the Federal Election Campaign Act of 1971, as amended, 2 U.S.C. § 431, et seq.

VIII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

IX. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

X. Respondents shall have no more than thirty (30) days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

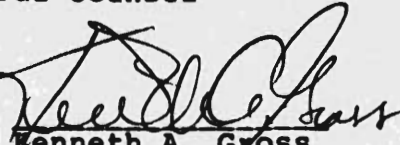
XI. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or

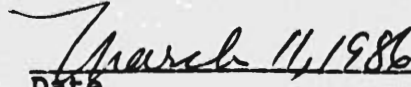
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oral, made by either party or by agents of either party, that is not contained in this written agreement shall be valid.

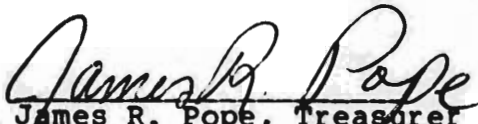
FOR THE COMMISSION


Charles N. Steele
General Counsel

BY: 
Kenneth A. Gross
Associate General Counsel


Date

FOR THE RESPONDENTS:


James R. Pope, Treasurer
Republican Candidate
Screening Committee


Date

86040573521

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Candidate) MUR 1887
Screening Committee;)
James R. Pope, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on March 7, 1986, the Commission decided by a vote of 6-0 to take the following actions in MUR 1887:

1. Accept the conciliation agreement with the Republican Candidate Screening Committee and James Pope, as treasurer, attached to the General Counsel's Report signed March 3, 1986.
2. Close the file.
3. Approve the letters attached to the General Counsel's Report signed March 3, 1986.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald and McGarry voted affirmatively for this decision.

Attest:

3-7-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Tues.,	3-4-86,	1:37
Circulated on 48 hour tally basis:	Wed.,	3-5-86,	11:00
Deadline for vote:	Fri.,	3-7-86,	11:00

36040573522



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *rd*
DATE: March 4, 1986
SUBJECT: MUR 1887 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

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JP

JAMES R. POPE
NANCY L. POPE

Feb. 18 1886 1214

65-327-530

Pay to the order of Mrs. J. R. Pope \$200.00

Two Hundred and no/100 dollars

Maryland National Bank

BELTSVILLE OFFICE 292
BELTSVILLE, MARYLAND 20705

Robert R. Pope

James R. Pope

86040573524

(5)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Loren Mark, Esquire
Douglas Bregman, P.A.
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

Re: MUR 1887

Dear Mr. Mark:

On 1986, the Commission accepted the conciliation agreement signed by your clients, the Republican Candidate Screening Committee and James Pope, as treasurer, in settlement of a violation of 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b). Accordingly, the entire file has been closed in this matter and it will become a part of the public record within thirty days. Please be advised that 2 U.S.C. § 437g(a)(4)(B) prohibits any information derived in connection with any conciliation attempt from becoming public without the written consent of the respondent and the Commission. Should your clients wish any such information to become part of the public record please advise us in writing.

Enclosed you will find a fully executed copy of the final conciliation agreement for your files. If you have any questions please contact Maura White Callaway at 202-376-5690.

Sincerely,

Charles N. Steele
General Counsel

FY: Kenneth A. Gross
Associate General Counsel

Enclosure
Conciliation Agreement

Attachment 2(1)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Arthur A. Marshall, Jr.
Court House
Upper Marlboro, MD 20772

Re: MUR 1887

Dear Mr. Marshall:

This is in reference to the complaint you filed with the Commission on January 28, 1985, concerning the Prince George's County Democratic Committee, the Prince George's Democratic Central Committee-Federal, James Rosapepe, as treasurer, Committee to Elect Sitting Judges, Ralph W. Powers, as treasurer, Republican Candidate Screening Committee, and James Pope, as treasurer.

With respect to the Prince George's County Democratic Committee, Prince George's Democratic Central Committee-Federal and James Rosapepe, as treasurer, the Commission determined that there was no reason to believe these respondents violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7 with respect to the Democratic sample ballot. The Commission determined, however, that there was reason to believe the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) with respect to the reporting of disbursements, but subsequently determined to take no further action.

As to the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, the Commission determined: that there was no reason to believe these respondents violated 2 U.S.C. §§ 441b(a) and 441d in connection with the Democratic sample ballot; and, to take no action against these respondents with respect to the Republican sample ballot.

Finally, as to the Republican Candidate Screening Committee and James Pope, as treasurer, the Commission determined that there was reason to believe these respondents: violated 2 U.S.C. § 441d with respect to the Republican sample ballot, but

Attachment 2(2)

36040573526

Letter to Arthur A. Marshall, Jr.
Page 2

determined to take no further action; and, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b), and conducted an investigation in this matter. On , 1986, a conciliation agreement signed by the respondents was accepted by the Commission. Accordingly, the Commission closed the file in this matter on , 1986. A copy of this agreement is enclosed for your information.

If you have any questions please contact Maura White Callaway, the staff member assigned to this matter, at 202-376-5690.

Sincerely,

Charles N. Steele
General Counsel

BY: Kenneth A. Gross
Associate General Counsel

Enclosures

Conciliation Agreement
First General Counsel's Report

Attachment 2(3)

36740573527



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 3, 1986

Loren Mark, Esquire
7315 Wisconsin Avenue
Suite 800 West
Bethesda, MD 20814

RE: MUR 1887
Prince George's County Democratic
Committee-Federal;
James Rosapepe, as treasurer;
Republican Candidate Screening
Committee; James R. Pope, as
treasurer

Dear Mr. Mark:

On October 22, 1985, the Commission found reason to believe your clients, the Prince George's County Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix), and found reason to believe your clients, the Republican Candidate Screening Committee and James Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b). At your request, the Commission determined on January 23, 1986, to enter into negotiations with the Republican Candidate Screening Committee and James Pope, as treasurer, directed towards reaching a conciliation agreement in settlement of this matter prior to a finding of probable cause to believe.

Enclosed is a conciliation agreement that the Commission has approved in settlement of this matter. If your clients agree with the provisions of the enclosed agreement, please sign and return it, along with the civil penalty, to the Commission. In light of the fact that conciliation negotiations, prior to a finding of probable cause to believe, are limited to a maximum of 30 days, you should respond to this notification as soon as possible.

In addition, with respect to the Prince George's County Democratic Committee-Federal and James Rosepepe, as treasurer, the Commission determined on January 23, 1986, to take no further action and close the file in this matter as it pertains

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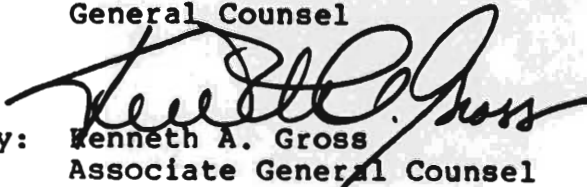
Letter to Loren Mark
Page 2

to them. The Commission reminds your clients that it is nevertheless a violation of 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) for a political committee to fail to itemize disbursements.

If you have any questions or suggestions for changes in the enclosed agreement, or if you wish to arrange a meeting in connection with a mutually satisfactory conciliation agreement, please contact Maura White Callaway, the staff member assigned to this matter, at 376-5690.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosure

36040573529

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Republican Candidate Screening)
Committee; James R. Pope, as)
treasurer) MUR 1887
Prince George's County)
Democratic Committee- Federal;)
James Rosapepe, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the
Federal Election Commission executive session of January 23,
1986, do hereby certify that the Commission took the following
actions in MUR 1887:

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2.

3. Decided by a vote of 6-0 to

- a) Take no further action against the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, and close the file as it pertains to them.
- b) Enter into conciliation with the Republican Candidate Screening Committee and James R. Pope, as treasurer, prior to a finding of probable cause to believe.
- c) Approve the proposed conciliation agreement submitted with the General Counsel's January 9, 1986 report, subject to the amendments noted above.
- d) Approve the letter attached to the General Counsel's January 9, 1986 report, subject to correction as noted in the meeting.

Commissioners Aikens, Elliott, Harris, Josefiak, McDonald, and McGarry voted affirmatively for each of the actions noted above.

Attest:

1-23-86

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

36040573531



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CMH*
DATE: JANUARY 15, 1986
SUBJECT: OBJECTION - MUR 1887 - General Counsel's Report
Signed January 9, 1986

The above-named document was circulated to the
Commission on Monday, January 13, 1986, 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	<u> X </u>
Commissioner Elliott	<u> X </u>
Commissioner Harris	<u> X </u>
Commissioner Josefiak	<u> X </u>
Commissioner McDonald	<u> </u>
Commissioner McGarry	<u> </u>

This matter will be placed on the Executive Session
agenda for Wednesday, January 22, 1986.

36040573532



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CALH*
DATE: JANUARY 15, 1986
SUBJECT: OBJECTION - MUR 1887 - General Counsel's Report
Signed January 9, 1986

The above-named document was circulated to the
Commission on Monday, January 13, 1986, 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____ X _____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Wednesday, January 22, 1986.

36040573535



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*
DATE: JANUARY 14, 1986
SUBJECT: OBJECTION - MUR 1887 - General Counsel's Report
Signed January 9, 1986.

The above-named document was circulated to the
Commission on Monday, January 13, 1986, 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	_____X_____
Commissioner Josefiak	_____X_____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Wednesday, January 22, 1986.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*
DATE: JANUARY 13, 1986
SUBJECT: OBJECTION - MUR 1887 - General Counsel's Report
Signed January 9, 1986

The above-named document was circulated to the
Commission on Monday, January 13, 1986, 11:00 A.M.

Objections have been received from the Commissioners
as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	_____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session
agenda for Tuesday, January 22, 1986.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *AMB*
DATE: January 10, 1986
SUBJECT: MUR 1887 - General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution below) ☐

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SENSITIVE

RECEIVED
BEFORE THE FEDERAL ELECTION COMMISSION THE FEC
COMM. SECRETARY

In the Matter of)
)
Republican Candidate Screening)
Committee; James R. Pope,)
as treasurer;)
Prince George's County Democratic)
Committee - Federal;)
James Rosapepe, as treasurer)

NOV 10 5:31
MUR 1887

GENERAL COUNSEL'S REPORT

I. BACKGROUND

On October 22, 1985, the Commission determined that there is reason to believe the Republican Candidate Screening Committee ("Screening Committee") and James R. Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by making a prohibited expenditure through an improper allocation of expenses related to a Republican sample ballot. The Commission also determined on October 22, 1985, that the Prince George's County Democratic Committee-Federal ("Federal Committee") and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) by failing to itemize disbursements.

On December 6, 1985, and December 16, 1985, responses were submitted on behalf of the Federal Committee and the Screening Committee (Attachments 1 and 2). As to the Federal Committee and James Rosapepe, as treasurer, this office recommends that the Commission take no further action and close the file. The Commission's finding of reason to believe concerned the Federal Committee's failure to itemize four disbursements for a Democratic sample ballot in connection with the 1984 general election. The Federal Committee has now amended its reports to

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itemize the four disbursements at issue. Two of the disbursements were itemized in an amendment filed on August 22, 1985, prior to the reason to believe finding.^{1/} On December 2, 1985, the Federal Committee filed another amendment itemizing the remaining two disbursements at issue.

With respect to all of the above disbursements, the original filings by the Federal Committee appear to have reflected the total amount of the Federal Committee's disbursements but simply failed to separately itemize these disbursements. Insofar as the respondents took steps to correct the omission prior to the reason to believe finding, and have now corrected the omissions, it is the recommendation of this office that the Commission take no further action with respect to the Federal Committee and James Rosapepe, as treasurer, and close the file as it pertains to them.

With respect to the Screening Committee, its response requests that the Commission take no further action or in the alternative enter into pre-probable cause to believe conciliation. This office is of the view that the Screening Committee's arguments as to why it did not violate 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) are without merit. Due to

^{1/} The Federal Committee's August 22, 1985, amendment also attempted to correctly itemize a third disbursement at issue but due to a typographical error the amount to Guthrie Lithograph was reported as \$50.33 instead of \$5033.33. This disbursement was subsequently itemized correctly in an amendment filed on December 2, 1985.

the nature of the activity, the Screening Committee has not taken steps to mitigate the violation, as has the Federal Committee. See above. It is, therefore, the recommendation of this office that the Commission enter into conciliation with the Republican Candidate Screening Committee and James Pope, as treasurer, prior to a finding of probable cause to believe.

II. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

III. RECOMMENDATIONS

1. Take no further action against the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, and close the file as it pertains to them.

2/ As discussed in the First General Counsel's Report dated October 10, 1985, approximately \$1,746.60 of the \$2,445.23 expended for the ballot is allocable to federal elections. The Screening Committee received only \$945.23 of the \$2,445.23 it expended for the ballot from apparent permissible funds. Thus, the difference between the portion of the ballot allocable to federal elections (\$1,746.60) and the amount of permissible funds (\$945.23) received for the federal portion of the ballot constitutes the amount impermissibly expended (\$801.37) by the Screening Committee. Such money was considered impermissible because its origin was the Committee to Elect Sitting Judges, a state political committee in Maryland, which contributed \$1,500 to the Screening Committee.

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2. Enter into conciliation with the Republican Candidate Screening Committee and James R. Pope, as treasurer, prior to a finding of probable cause to believe.
3. Approve the attached proposed conciliation agreement and letter.

Charles N. Steele
General Counsel

Date 1/9/86

BY:

Kenneth A. Gross (AG)
Kenneth A. Gross
Associate General Counsel

Attachments

- 1 - Federal Committee's response
- 2 - Screening Committee's response
- 3 - Proposed agreement and letter

86040573540

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

December 4, 1985

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

* ADMITTED TO PRACTICE IN MD., D.C.

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White

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS.

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN VA., D.C.

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

Re: MUR 1887 -
Prince George's County
Democratic Central Committee -
Federal

Dear Ms. White:

As you know, my office represents the Prince George's County Democratic Central Committee ("Central Committee") in the above referenced matter. As a result of the Federal Election Commission's initial investigation it was determined that the Central Committee had failed to itemize certain expenditures connected with the November, 1984 general election.

After a thorough review two errors were determined. First, due to typographical error a printing expenditure was inadvertently reported as \$50.33 rather than \$5,033.33. Second, an expenditure of \$526.20 for label sorting was inadvertently left off the year-end report. Enclosed please find an amended Schedule B which correctly itemizes those expenditures. Also enclosed is a letter from Mr. Rosapepe, the Central Committee Treasurer, to the FEC Reporting Division, acknowledging and explaining these oversights and the corrected Schedule B.

The Central Committee is acknowledging that it failed to itemize as required by the Act and FEC Regulations. However, it has always intended to fully comply and has made a good faith effort to correct the itemization oversight and typographical error.

Given that the Central Committee always intended to comply and has now fully and correctly reported the expenditures in question we would like to request that the FEC determine to take no further action as to the Prince George's County Democratic Central Committee or its Treasurer. A decision to take no further action would seem especially

Attachment 1(1)

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appropriate since this investigation has left the Central Committee with a clear understanding and appreciation as to the import of itemized reporting. The Central Committee and its Treasurer wish to assure the FEC that all efforts will be taken to prevent these type of oversights in the future.

We hope the Central Committee's action in correcting its report, and in acknowledging the errors, will fully mitigate the violation here at issue. Should there be any questions please feel free to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:


Loren B. Mark

LBM:jls
Enclosures

cc: Mr. Rosapepe
Ms. Krasnick

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Prince George's Central Committee
Federal Account
8507 Red Wing Lane
Lanham, MD

November 27, 1985

Mr. Michael D. Butterfield
Reports Analyst
Reports Analysis Division
Federal Elections Commission
Washington, D.C. 20463

Dear Mr. Butterfield:

It has come to my attention that the Prince George's Democratic Committee Federal Account, amended June 1, 1985 had two errors. The first was the itemized disbursement of \$50.33 to Guthrie Lithograph and Printing. There was a typo in this amount and should have been \$5033.33.

In addition, one disbursement was inadvertantly left off the itemization of line 19 on the original Decmber 6, 1984 schedule B. This disbursement was for \$526.20 to Mailbag, 201 Commerce Drive, Upper Marlboro, MD.

I have itemized these amounts on the attached schedule B indicating the correct amounts of each disbursement.

Please accept my apology for these errors.

Sincerely,


James C. Rosapepe

cc: Loren Mark

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SCHEDULE B

ITEMIZED DISBURSEMENTS

Page ____ of ____ for
LINE NUMBER ____
 (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)

Prince George's Democratic Committee Federal Account

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gutherie Lithograph 2nd Street, NE Washington, D.C.	Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/15/84	\$5033.33
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mailbag 210 Commerce Drive Upper Marlboro, MD 20772	sorting labels Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	12/28/84	\$523.20
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
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E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			\$5556.53

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CC# 9218

DOUGLAS M. BREGMAN, P.A.
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LOREN B. MARK *

TELEPHONE (301) 856-2707

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS,

December 16, 1985

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.
* ADMITTED TO PRACTICE IN VA., D.C.

Maura White Callaway, Esquire
Federal Elections Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 1887 - Republican Candidate
Screening Committee and
Treasurer, James Pope

Dear Ms. Callaway:

Having reviewed the findings of the Federal Election Commission (the "Commission") and the clarifications provided by Mr. Gross in his follow-up letter of November 22, 1985, we are now responding on behalf of the Republican Candidate Screening Committee and its Treasurer, James Pope.

Based on the following observations and analysis we are requesting that the Commission make a determination to take no further action or, alternatively, that we enter into pre-probable cause conciliation. In the event that pre-probable cause conciliation is entered into we urge that a lenient settlement be proposed in light of various ambiguities in the Federal Election Campaign Act (the "Act"), the Federal Election Commission Regulations (the "Regulations") and the 1984 Federal Election Commission Campaign Guide (the "Guide") which are pointed out below.

In our original response, dated August 12, 1985, we pointed out that the Republican Candidate Screening Committee did not come under the Act since it was a local committee which expended less than \$5,000 for a sample ballot to be mailed to registered republicans in Prince George's County, Maryland. It appears from the Act and the Regulations that the production and distribution of a sample ballot by a "local committee of a political party" is not considered a contribution or an expenditure. See, U.S.C. 431(8)(B)(v) and (9)(B)(iv) and 11 C.F.R. 100.7(b)(9) and 100.8(b)(10).

It is apparent from the Commission's initial findings that there is dispute as to whether the Republican Candidate Screening Committee qualified as a "local committee of a political party." While it is true

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Office of the
GENERAL COUNSEL

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Attachment 2(1)

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that the Republican Candidate Screening Committee was not controlled by or subordinate to the State Republican Party, it is not clear in the Act or Regulations that the exemptions of 2 U.S.C. 431 and 11 C.F.R. 100.7(B) and 100.8(B) are restricted to "subordinate committees" of the "State Committee." See, 11 C.F.R. 100.14(a) and (b).

Neither the Act nor the Regulations specifically define the phrase "local committee of a political party." In contrast, the Act and Regulations do define several terms which are connected to official state and local party entities. Taken generically the phrase "local committee of a political party" could honestly be interpreted to include an organization such as the Republican Candidate Screening Committee. And, in fact, the Republican Candidate Screening Committee interpreted the Act and Regulations to mean that it was a local committee (i.e. operating in Prince George's County) of a political party (i.e. the Republican Party). As such, the Republican Candidate Screening Committee and its Treasurer assumed that the Committee was exempt from Federal regulation so long as the Committee did not spend more than \$5,000 on items which are exempt from the definitions of contribution or expenditure. See, 2 U.S.C. 431(4)(A).

Admittedly, certain terms are well defined in the Act and Regulations. "Political party" is defined in 2 U.S.C. 431(16) as:

.... an association, committee, or organization which nominates a candidate for election to any Federal office whose name appears on the election ballot as the candidate of such association, committee or organization." (e.g. the Maryland Republican Party).

There is no ambiguity as to what constitutes a "political party." However, this does not resolve the issue of what qualifies as a "local committee of a political party." The Act clearly defines "state committee" but does not do the same for "local committee." See, 2 U.S.C. 431(15).

The Act also refers to a "subordinate committee" of a state committee, see, 2 U.S.C. 441(a) and (d) and the Regulations define the term "subordinate committee" of a "state committee." See, 11 C.F.R. 100.14(b). However, nowhere in the Act is the general phrase "local committee of a political party" defined. If Congress had intended that the expenditure and contribution exemptions of 2 U.S.C. 431(8) and (9) were only to be applicable to "state committees" and "subordinate committees" then it could have used those phrases. The same is true for the Regulations which provide the same definition, as well as a few others, but never specifically define the phrase "local committee of a political party."

In addition to the foregoing, the Regulations define a "party committee" as:

a political committee which represents a political party and is part of the official party structure at the national, state or local level. See, 11 C.F.R. 100.5(e)(4).

But, "political committee" is not the same as "local committee of a political party." If the Commission had intended the exemption provisions of the Regulations to apply to only "political committees" then it could have said "political committees" rather than "local committee" when 11 C.F.R. 100.7(b)(9) and 100.8(b)(10) were promulgated.

The disparities continue when one looks at the Guide definitions. The Guide defines "local party committee," "local party organization," "national party committee" and "state party committee." But, nowhere does the Guide define "local committee" or "local committee of a political party." Nowhere has Congress or the Commission clearly stated that the phrase "local committee of a political party" only pertains to a "subordinate committee" of a political party.

We are not splitting hairs in presenting this analysis. Both Congress and the Commission could have easily defined the phrase "local committee of a political party" or could have used an already defined term in order to narrow or limit the groups which qualify for the expenditure and contribution exemptions. As the Act and Regulations now read, the exemptions could easily be interpreted to apply to any local entity which is formed from and for the ranks of a political party; this is especially true where the interpreter is a "layperson."

Not only did the Republican Candidate Screening Committee never intend to violate election laws, it actually, reasonably could have and did believe that its status and actions were outside of the federal laws. The exemption provisions can easily be read by a layperson to mean that certain activity of any local committee of a political party would be exempt.

The Republican Candidate Screening Committee and its Treasurer, James Pope, may have erred in their interpretation of these complex laws but they always acted in good faith. Considering the limited nature of the Republican Candidate Screening Committee's activity, and the fact that ambiguity exists as to whether or not exemptions apply, we believe that it would be most appropriate for the Commission to make a determination to take no further action at this time. Alternatively, especially in light of the foregoing, we would urge that a lenient pre-probable cause settlement be developed.

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We appreciate your review of this matter and hope that the foregoing is of assistance. We look forward to hearing from the Commission in the near future.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 
Loren B. Mark

LBM:jls

cc: Mr. Pope

86040573543

GC# 9218

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We appreciate your review of this matter and hope that the foregoing is of assistance. We look forward to hearing from the Commission in the near future.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 
Loren B. Mark

LBM:jls

cc: Mr. Pope

36040573552



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

December 13, 1985

Loren B. Mark, Esquire
Douglas M. Bregman, P.A.
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

Re: MUR 1887
Republican Candidate Screening
Committee; James R. Pope,
as treasurer;
Prince George's Democratic
Central Committee-Federal
James Rosapepe, as treasurer

Dear Mr. Mark:

This is in reference to your letter dated November 26, 1985, in which you requested an eight day extension of time to respond to the Commission's reason to believe findings against your clients. After considering the circumstances presented in your letter, the Commission has determined to grant the requested extension. Accordingly, the response of your clients is due on December 13, 1985.

If you have any questions please contact Maura White Callaway at 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Cross
General Counsel

36040373553

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

December 4, 1985

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

* ADMITTED TO PRACTICE IN MD., D.C.

RECEIVED AT THE FEC
GCC 9173
85 DEC 6 9:06

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS,

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN VA., D.C.

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

Re: MUR 1887 -
Prince George's County
Democratic Central Committee -
Federal

Dear Ms. White:

As you know, my office represents the Prince George's County Democratic Central Committee ("Central Committee") in the above referenced matter. As a result of the Federal Election Commission's initial investigation it was determined that the Central Committee had failed to itemize certain expenditures connected with the November, 1984 general election.

After a thorough review two errors were determined. First, due to typographical error a printing expenditure was inadvertently reported as \$50.33 rather than \$5,033.33. Second, an expenditure of \$526.20 for label sorting was inadvertently left off the year-end report. Enclosed please find an amended Schedule B which correctly itemizes those expenditures. Also enclosed is a letter from Mr. Rosapepe, the Central Committee Treasurer, to the FEC Reporting Division, acknowledging and explaining these oversights and the corrected Schedule B.

The Central Committee is acknowledging that it failed to itemize as required by the Act and FEC Regulations. However, it has always intended to fully comply and has made a good faith effort to correct the itemization oversight and typographical error.

Given that the Central Committee always intended to comply and has now fully and correctly reported the expenditures in question we would like to request that the FEC determine to take no further action as to the Prince George's County Democratic Central Committee or its Treasurer. A decision to take no further action would seem especially

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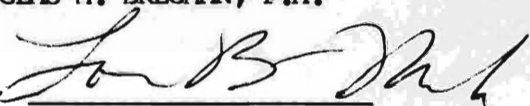
appropriate since this investigation has left the Central Committee with a clear understanding and appreciation as to the import of itemized reporting. The Central Committee and its Treasurer wish to assure the FEC that all efforts will be taken to prevent these type of oversights in the future.

We hope the Central Committee's action in correcting its report, and in acknowledging the errors, will fully mitigate the violation here at issue. Should there be any questions please feel free to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:


Loren B. Mark

LBM:jl
Enclosures

cc: Mr. Rosapepe
Ms. Krasnick

8604057355

Prince George's Central Committee
Federal Account
8507 Red Wing Lane
Lanham, MD

November 27, 1985

Mr. Michael D. Butterfield
Reports Analyst
Reports Analysis Division
Federal Elections Commission
Washington, D.C. 20463

Dear Mr. Butterfield:

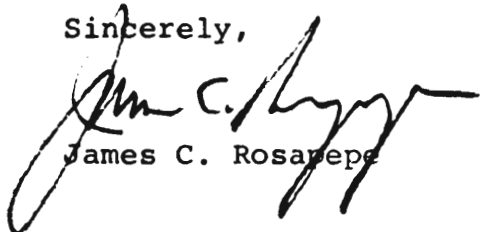
It has come to my attention that the Prince George's Democratic Committee Federal Account, amended June 1, 1985 had two errors. The first was the itemized disbursement of \$50.33 to Guthrie Lithograph and Printing. There was a typo in this amount and should have been \$5033.33.

In addition, one disbursement was inadvertantly left off the itemization of line 19 on the original Decmber 6, 1984 schedule B. This disbursement was for \$526.20 to Mailbag, 201 Commerce Drive, Upper Marlboro, MD.

I have itemized these amounts on the attached schedule B indicating the correct amounts of each disbursement.

Please accept my apology for these errors.

Sincerely,



James C. Rosapepe

cc: Loren Mark

36040573556

SCHEDULE B

ITEMIZED DISBURSEMENTS

Page ____ of ____ for
LINE NUMBER ____
 (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)

Prince George's Democratic Committee Federal Account

A. Full Name, Mailing Address and ZIP Code Guthrie Lithograph 2nd Street, NE Washington, D.C.	Purpose of Disbursement Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 10/15/84	Amount of Each Disbursement This Period \$5033.33
B. Full Name, Mailing Address and ZIP Code Mailbag 210 Commerce Drive Upper Marlboro, MD 20772	Purpose of Disbursement sorting labels Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year) 12/28/84	Amount of Each Disbursement This Period \$523.20
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> 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: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	Date (month, day, year)	Amount of Each Disbursement This Period
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86040573557

UGLAS M. BREGMAN, P.A.

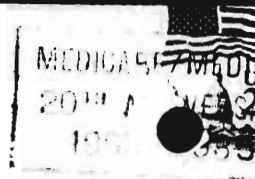
ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814



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

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DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

December 10, 1985

* ADMITTED TO PRACTICE IN MD., D.C.

RECEIVED AT THE FEC
ACC# 9197
85 DEC 11 AM 11:48

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS,

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN VA., D.C.

Maura White Callaway, Esquire
Federal Elections Committee
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 1887 -
Prince George's County
Democratic Central Committee

Dear Ms. Callaway:

Per our conversation today, please find enclosed a copy of the letter I originally sent December 4, 1985 along with the copies referenced in that letter.

I look forward to hearing from you.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 

Loren B. Mark

LBM:lmw
Enclosures

85 DEC 12 AM 4:16

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

86040573550

December 4, 1985

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

Re: MUR 1887 -
Prince George's County
Democratic Central Committee -
Federal

Dear Ms. White:

As you know, my office represents the Prince George's County Democratic Central Committee ("Central Committee") in the above referenced matter. As a result of the Federal Election Commission's initial investigation it was determined that the Central Committee had failed to itemize certain expenditures connected with the November, 1984 general election.

After a thorough review two errors were determined. First, due to typographical error a printing expenditure was inadvertently reported as \$50.33 rather than \$5,033.33. Second, an expenditure of \$526.20 for label sorting was inadvertently left off the year-end report. Enclosed please find an amended Schedule B which correctly itemizes those expenditures. Also enclosed is a letter from Mr. Rosapepe, the Central Committee Treasurer, to the FEC Reporting Division, acknowledging and explaining these oversights and the corrected Schedule B.

The Central Committee is acknowledging that it failed to itemize as required by the Act and FEC Regulations. However, it has always intended to fully comply and has made a good faith effort to correct the itemization oversight and typographical error.

Given that the Central Committee always intended to comply and has now fully and correctly reported the expenditures in question we would like to request that the FEC determine to take no further action as to the Prince George's County Democratic Central Committee or its Treasurer. A decision to take no further action would seem especially

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appropriate since this investigation has left the Central Committee with a clear understanding and appreciation as to the import of itemized reporting. The Central Committee and its Treasurer wish to assure the FEC that all efforts will be taken to prevent these type of oversights in the future.

We hope the Central Committee's action in correcting its report, and in acknowledging the errors, will fully mitigate the violation here at issue. Should there be any questions please feel free to contact me directly.

Sincerely yours,

DOUGLAS H. BREDMAN, P.A.

By: Loren B. Mark

DM:jls
Enclosures

cc: Mr. Rosapepe
Ms. Krasnick

8 6 0 4 0 5 7 3 5 6 1

Prince George's Central Committee
Federal Account
8507 Red Wing Lane
Lanham, MD

November 27, 1985

Mr. Michael D. Butterfield
Reports Analyst
Reports Analysis Division
Federal Elections Commission
Washington, D.C. 20463

Dear Mr. Butterfield:

It has come to my attention that the Prince George's Democratic Committee Federal Account, amended June 1, 1985 had two errors. The first was the itemized disbursement of \$50.33 to Guthrie Lithograph and Printing. There was a typo in this amount and should have been \$5033.33.

In addition, one disbursement was inadvertently left off the itemization of line 19 on the original Decmber 6, 1984 schedule B. This disbursement was for \$526.20 to Mailbag, 201 Commerce Drive, Upper Marlboro, MD.

I have itemized these amounts on the attached schedule B indicating the correct amounts of each disbursement.

Please accept my apology for these errors.

Sincerely,


James C. Rosape

cc: Loren Mark

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SCHEDULE B

ITEMIZED DISBURSEMENTS

LINE NUMBER
(Use separate schedule for each category of the Data 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 commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

Name of Committee (in Full)

Prince George's Democratic Committee Federal Account

A. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Gutherie Lithograph 2nd Street, NE Washington, D.C.	Printing Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	10/15/84	\$5033.33
B. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
Mailbag 210 Commerce Drive Upper Marlboro, MD 20772	sorting labels Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):	12/28/84	\$523.20
C. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
D. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
E. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
F. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
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G. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
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H. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
I. Full Name, Mailing Address and ZIP Code	Purpose of Disbursement	Date (month, day, year)	Amount of Each Disbursement This Period
	Disbursement for: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify):		
SUBTOTAL of Disbursements This Page (optional)			
TOTAL This Period (last page this line number only)			\$5556.53

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86040370
GLAS M. BREGMAN, P.A.

- ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

THESDA, MARYLAND 20814

Maura White Callaway, Esquire
Federal Elections Committee
999 E Street, N.W.
Washington, D.C. 20463



85 DEC 11 AM 11:48

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)

MUR 1887

Request for an Extension)
Of Time - Prince George's)
Democratic Central Committee-)
Federal, et al.

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on December 9, 1985, the Commission decided by a vote of 4-0 to take the following actions in MUR 1887:

1. Grant the Prince George's Democratic Central Committee-Federal, James Rosapepe, as treasurer, Republican Candidate Screening Committee, and James R. Pope, as treasurer, an additional extension of eight days.
2. Approve and send the letter attached to the Memorandum to the Commission dated December 4, 1985.

Commissioners Elliott, Harris, Josefiak and McGarry voted affirmatively for this decision; Commissioners Aikens and McDonald did not cast a vote.

Attest:

12-10-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

Received in Office of Commission Secretary:	Wed.,	12-4-85,	2:20
Circulated on 48 hour tally basis:	Thurs.,	12-5-85,	11:00
Deadline for vote:	Tues.,	12-9-85,	11:00

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *Red*
DATE: December 4, 1985
SUBJECT: MUR 1887 - Memo to the Commission

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
OFFICE OF THE FEC
COMM. SECRETARY
SENSITIVE

85 DEC 4 P2:20

December 4, 1985

MEMORANDUM

TO: The Commission

FROM: Charles N. Steele
General Counsel

By: Kenneth A. Gross
Associate General Counsel

SUBJECT: MUR 1887--Request for an Extension of Time

On November 29, 1985, this office received a request from counsel for the Republican Candidate Screening Committee, James R. Pope, as treasurer, Prince George's Democratic Committee-Federal, and James Rosapepe, as treasurer, for an additional eight days in which to respond to the Commission's reason to believe findings in the above matter. (Attachment 1). The instant request follows an earlier request for both an extension of time and for further explanation of the basis for the Commission's findings. By letter dated November 22, 1985, counsel was notified that a 20 day extension had been granted and was provided with further explanation of the reason to believe findings.

According to counsel's letter of November 29, 1985, this office's letter of November 22, 1985, had not yet been received. Counsel states, therefore, that without the "requested elaboration," and in consideration of the "holiday schedule," an additional extension is necessary.

In consideration of the fact that an additional extension of only eight days is being requested, and that this office's letter appears to have been delayed in the mail, this office recommends that the Commission approve an eight day extension of time until December 13, 1985.

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Recommendations

1. Grant the Prince George's Democratic Central Committee-Federal, James Rosapepe, as treasurer, Republican Candidate Screening Committee, and James R. Pope, as treasurer, an additional extension of eight days.
2. Approve and send the attached letter.

Attachments

- 1 - Request letter
- 2 - Proposed letter

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DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 686-2707

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

* ADMITTED TO PRACTICE IN MD., D.C.

600#9072
85 NOV 29 AM 8:58

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS,

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN VA., D.C.

November 26, 1985

White

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

Re: MUR 1887

Dear Ms. Lerner:

As you know, I have been awaiting a response from your office regarding my request for elaboration on the Commission's findings in the above referenced matter. We also asked for an extension of time to respond to the Commission's findings.

As of today we have not received the requested elaboration and our "extension" is due to expire on December 5th, 1985. Since we have not received the requested elaboration, and in consideration of the holiday schedule, we are compelled to request an additional extension, up to December 13th, 1985, in which to respond to the Commission's initial findings in MUR 1887.

I trust the Commission will be able to accommodate this request in light of the need for complete information in order to respond to the Commission's findings. If there are any questions please feel free to call.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:


Loren B. Mark

LBM:jf

Attachment 1

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Loren B. Mark, Esquire
Douglas M. Bregman, P.A.
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

Re: MUR 1887
Republican Candidate Screening
Committee; James R. Pope,
as treasurer;
Prince George's Democratic
Central Committee-Federal
James Rosapepe, as treasurer

Dear Mr. Mark:

This is in reference to your letter dated November 26, 1985, in which you requested an eight day extension of time to respond to the Commission's reason to believe findings against your clients. After considering the circumstances presented in your letter, the Commission has determined to grant the requested extension. Accordingly, the response of your clients is due on December 13, 1985.

If you have any questions please contact Maura White Callaway at 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By: Kenneth A. Gross
General Counsel

Attachment 2

86040573570

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 686-2707

RECEIVED AT THE FEC
GCC#9672
85 NOV 29 AM: 58

OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS *

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN MD. D.C.

* ADMITTED TO PRACTICE IN VA. D.C.

November 26, 1985

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

Re: MUR 1887

Dear Ms. Lerner:

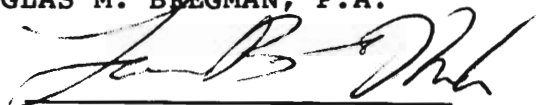
As you know, I have been awaiting a response from your office regarding my request for elaboration on the Commission's findings in the above referenced matter. We also asked for an extension of time to respond to the Commission's findings.

As of today we have not received the requested elaboration and our "extension" is due to expire on December 5th, 1985. Since we have not received the requested elaboration, and in consideration of the holiday schedule, we are compelled to request an additional extension, up to December 13th, 1985, in which to respond to the Commission's initial findings in MUR 1887.

I trust the Commission will be able to accommodate this request in light of the need for complete information in order to respond to the Commission's findings. If there are any questions please feel free to call.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 
Loren B. Mark

LBM:jf

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JGLAS M. BREGMAN. P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7815 WISCONSIN AVENUE

SUITE 800 WEST

ETHESDA, MARYLAND 20814



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

NOV 20 4:59



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 22, 1985

Loren B. Mark, Esquire
Douglas M. Bregman, P.A.
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

RE: MUR 1887
Republican Candidate
Screening Committee;
James R. Pope, as treasurer;
Prince George's Democratic
Committee-Federal;
James Rosapepe, as treasurer

Dear Mr. Mark:

This is in response to your letters dated November 12, 1985, in which you requested an extension of time to respond to the Commission's reason to believe findings against your clients, the Republican Candidate Screening Committee, James R. Pope, as treasurer, the Prince George's Democratic Committee - Federal, and James Rosapepe, as treasurer. I have reviewed your request and agree to an extension of time until December 5, 1985.

In addition, your letter of November 12, 1985, requested further clarification concerning the Commission's finding that there is reason to believe the Republican Candidate Screening Committee ("Screening Committee") and James R. Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b). As stated in the Commission's reason to believe notification letter of October 28, 1985, the Commission determined that a violation occurred by your clients when they made a prohibited expenditure through an improper allocation of expenses related to the sample ballot.

In further explanation, the Commission has determined that the costs of the instant sample ballot cannot be considered as exempted "contributions" or "expenditures" because the Screening Committee is not a state or local committee of a political party. See 2 U.S.C. §§ 431(8)(B)(v) and (9)(B)(iv), and 11 C.F.R. §§ 100.8(b)(10) and 100.7(b)(9). The above exemption with respect to payments for sample ballots pertains solely to those payments made by a state or local committee of a political party.

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Insofar as the costs associated with the Screening Committee's sample ballot were not exempted "contributions" or "expenditures" the Screening Committee became a "political committee" (see 2 U.S.C. § 431(4)(A)) under the Act by virtue of the amount of monies it expended for that portion of the sample ballot related to federal elections. Of the \$2,445.23 expended for the ballot approximately five-sevenths (5/7) of its costs (\$1,746.60) is allocable to federal elections. See 11 C.F.R. § 106.1. This allocation is arrived at by determining the ratio of the federally related names on the ballot (5) to the total number of names (7) on the ballot which were in bold face type and emphasized. Thus, based upon this allocation or any other reasonable method the Screening Committee made "expenditures" in excess of \$1,000 during 1984, thereby arguably triggering the Act's registration and reporting requirements.

Based upon the sources of monies it received^{1/}, the Screening Committee must have used some of the non-federal funds donated by the Committee to Elect Sitting Judges^{2/} to pay for a part of the federal portion of the ballot. This position reflects the allocation discussed above in conjunction with the fact that the Committee to Elect Sitting Judges contributed 61 percent (\$1,500) of the \$2,445.23 for the ballot but received only 2/7 of the benefit, i.e. two of the seven highlighted candidates were Sitting Judges. Thus, it does not appear that the Screening Committee received sufficient funds subject to the prohibitions of the Act to finance the federal portion of the ballot. See 11 C.F.R. § 102.5(b). Accordingly, the Commission determined to find reason to believe the Screening Committee and James Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by using prohibited funds to make an "expenditure". (Because the Screening Committee's failure to register and report as a political committee stemmed from an

^{1/} The Screening Committee informed the Commission that it received \$2,445.23 during 1984 from the following sources: Ritchie for Congress (\$500); Jim Pope (\$45.23); P.G. Delegates for Reagan Bush (\$400); and Committee to Elect Sitting Judges (\$1,500).

^{2/} The Committee to Elect Sitting Judges is a state political committee located in Maryland. Under Maryland state law, the Committee to Elect Sitting Judges is permitted to accept corporate monies into its account.

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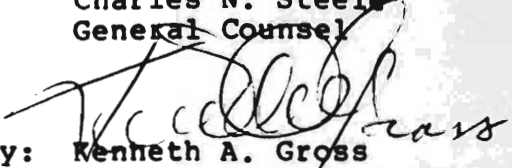
Loren B. Mark, Esquire
Page 3

apparent prohibited expenditure, the Commission made no finding of a violation of 2 U.S.C. § 433 and 434, but instead made the above findings.)

If you have any questions please contact Maura White Callaway at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

36040573575

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

November 12, 1985

RECEIVED THE FEC
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OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS,

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

* ADMITTED TO PRACTICE IN VA., D.C.

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

RE: MUR 1887-Extension

Dear Ms. Lerner:

Per our conversation today, and my previous discussions with Mr. Gross I am by this letter requesting an extension for response to the Elections Commission's letter of October 28, 1985.

At this stage we are awaiting copies of amended reporting forms from the Prince George's County Democratic Central Committee-Federal Account. Once I have received those documents I will present a response on behalf of the Central Committee. Also, per your agreement, I am awaiting further explanation from Ms. White as to the basis for the Commission's RTB regarding the Republican Candidate Screening Committee. Once I receive Ms. White's letter I will be able to discuss the matter with my client and determine an appropriate response.

Should there be any questions please feel free to contact me directly. We look forward to confirmation of our request for extension.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 

Loren B. Mark

LBM:lmw

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RECEIVED

UGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814



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

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DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

* ADMITTED TO PRACTICE IN MD., D.C.

November 12, 1985

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OF COUNSEL
BRIAN E. FROSH *
RODERICK H. ANGUS *

* ADMITTED TO PRACTICE IN MD. D.C.

* ADMITTED TO PRACTICE IN VA. D.C.

85 NOV 13
A10:24

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

Re: MUR 1887 -

- 1) Prince George's County
Democratic Central Committee
- 2) Republican Candidate Screening
Committee

Dear Mr. Gross:

Since our two previous discussions regarding the Commission's determinations in the above referenced matter, I have still not heard from your staff as to clarification of the Commission's October 28, 1985 letter.

Although we would like to resolve MUR 1887 as promptly as possible we are willing to await response from your staff. However, I will assume that, as to my client's right to respond, we will be allowed adequate time to respond to the findings outlined in the October 28th letter after I have had an opportunity to speak to a member of your staff.

Should there be any questions, please feel free to contact me directly. We look forward to resolving this matter.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:


Loren B. Mark

LBM:jls

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DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814



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

36040375

NOV 12 1985



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 28, 1985

Douglas M. Bregman, Esquire
The Air Rights Building
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

RE: MUR 1887
Prince George's County Democratic
Central Committee;
Prince George's Democratic
Committee-Federal;
Committee to Elect Sitting Judges;
James Rosapepe, as treasurer;
Ralph W. Powers, as treasurer;
Republican Candidate Screening
Committee;
James R. Pope, as treasurer

Dear Mr. Bregman:

The Federal Election Commission notified your clients of a complaint which was filed on January 28, 1985, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was subsequently forwarded to your clients.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission determined on October 22, 1985, to find no reason to believe the Prince George's County Democratic Central Committee, or its federal account, the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7. In addition, the Commission determined that there is reason to believe the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) by failing to itemize disbursements to: Postmaster--Riverdale (\$3,394.37) on October 30, 1981; Merkle Computer Systems, Inc. (\$641.37) on October 22, 1984; Guthrie Lithographs (\$5,033.33) on October 15, 1984; and, the Mail Bag (\$523.20) on December 28, 1984. Political committees are required, pursuant to 11 C.F.R. § 104.3(b)(3)(ix) to report the name and address of each person who has received any disbursement

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within the reporting period to whom the aggregate amount or value of disbursements made by the reporting committee exceeds \$200 within the calendar year, together with the date, amount, and purpose of any such disbursement.

With respect to the Republican Candidate Screening Committee and James R. Pope, as treasurer, the Commission determined to find reason to believe your clients violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by making a prohibited expenditure through an improper allocation of expenses related to a Republican sample ballot. The Commission also found reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441d, but determined to take no further action with respect to the failure to include disclaimer information on the sample ballot.

As to the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, the Commission determined to find no reason to believe they violated 2 U.S.C. § 441b(a) and 441d in connection with the Democratic sample ballot. Furthermore, concerning the Republican sample ballot, the Commission determined to take no action against the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer.

You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within fifteen days of your receipt of this notification.

If you are interested in pursuing pre-probable cause conciliation you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause

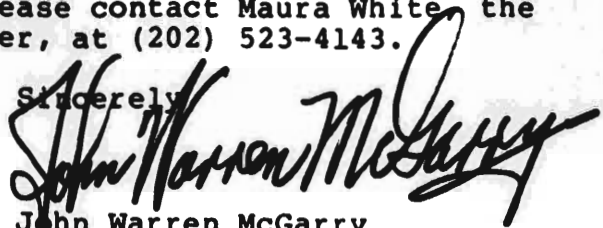
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must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 your client wishes the matter to be made public.

If you have any questions, please contact Maura White, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,



John Warren McGarry
Chairman

Enclosures
Procedures

86040573582

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Prince George's County)
Democratic Central)
Committee)
Committee to Elect Sitting) MUR 1887
Judges and Ralph W.)
Powers, as treasurer)
Prince George's Democratic)
Committee - Federal and)
James Rosapepe, as treasurer)
Republican Candidate Screening)
Committee and James R. Pope,)
as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of October 22, 1985, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 1887:

1. Find no reason to believe the Prince George's County Democratic Committee, the Prince George's Democratic Central Committee - Federal, and James Rosapepe, as treasurer, violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7.
2. Find reason to believe the Prince George's County Democratic Committee - Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix).
3. Find no reason to believe the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, violated 2 U.S.C. §§ 441b(a) and 441d in connection with the Democratic sample ballot.

(continued)

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Federal Election Commission
Certification for MUR 1887
October 22, 1985

Page 2

4. Find reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b).
5. Find reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441d and take no further action.
6. Take no action against the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, with respect to the Republican sample ballot.
7. Approve the letter and General Counsel's Factual and Legal Analysis attached to the report dated October 10, 1985.

Commissioners Aikens, Harris, McDonald, and McGarry
voted affirmatively for the decision; Commissioners
Elliott and Josefiak dissented.

Attest:

10-23-85

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING *CAF*
DATE: OCTOBER 17, 1985
SUBJECT: OBJECTION - MUR 1887 - First General Counsel's Report

The above-named document was circulated to the Commission on Wednesday, October 16, 1985, 11:00.

Objections have been received from the Commissioners as indicated by the name(s) checked:

Commissioner Aikens	_____
Commissioner Elliott	_____ X _____
Commissioner Harris	_____
Commissioner Josefiak	_____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session agenda for Tuesday, October 22, 1985.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE, GENERAL COUNSEL
FROM: MARJORIE W. EMMONS/ CHERYL A. FLEMING (C/F)
DATE: OCTOBER 16, 1985
SUBJECT: OBJECTION - MUR 1887- First General Counsel's Report

The above-named document was circulated to the Commission on Wednesday, October 16, 1985, 11:00.

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Commissioner Aikens	_____
Commissioner Elliott	_____
Commissioner Harris	_____
Commissioner Josefiak	_____ X _____
Commissioner McDonald	_____
Commissioner McGarry	_____

This matter will be placed on the Executive Session agenda for Tuesday, October 22, 1985.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

MEMORANDUM

TO: Office of the Commission Secretary
FROM: Office of General Counsel *rd*
DATE: October 15, 1985
SUBJECT: MUR 1887 - First General Counsel's Report

The attached is submitted as an Agenda document
for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

48 Hour Tally Vote ☒
Sensitive ☒
Non-Sensitive ☐

24 Hour No Objection ☐
Sensitive ☐
Non-Sensitive ☐

Information ☐
Sensitive ☐
Non-Sensitive ☐

Other ☐

DISTRIBUTION

Compliance ☒
Audit Matters ☐

Litigation ☐
Closed MUR Letters ☐

Status Sheets ☐
Advisory Opinions ☐

Other (see distribution
below) ☐

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SENSITIVE

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

FIRST GENERAL COUNSEL'S REPORT

85 OCT 15 P 3:42

RECEIVED
OFFICE OF THE FEC
COMMISSION SECRETARY

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR # 1887
DATE COMPLAINT RECEIVED
BY OGC January 28, 1985
DATE OF NOTIFICATION TO
RESPONDENTS: February 4, 1985
June 24, 1985, July 10, 1985
STAFF Maura White

COMPLAINANT'S NAME: Arthur A. Marshall

RESPONDENTS' NAMES: Prince George's County Democratic
Central Committee; Committee to
Elect Sitting Judges; Ralph W. Powers,
as treasurer; Prince George's Democratic
Committee - Federal; James Rosapepe, as
treasurer; Republican Candidate Screening
Committee; James R. Pope, as treasurer

RELEVANT STATUTE: 2 U.S.C. §§ 441b(a), 441d, 441a(d), 441a
11 C.F.R. §§ 106.1, 102.5

INTERNAL REPORTS CHECKED: Public Records

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

On January 28, 1985, Arthur A. Marshall, Jr. filed a complaint with the Commission alleging "violations of federal law" related to the distribution of sample ballots supporting certain Republican and Democratic nominees, some of whom are federal candidates (Attachment 1).^{1/} The Prince George's County Democratic Central Committee ("Central Committee"), the

^{1/} This matter was previously numbered Pre-MUR 131. Upon determining that Mr. Marshall intended to file a complaint rather than make a referral as State's Attorney for Prince George's County, the Commission voted on January 29, 1985, to close the file in Pre-MUR 131.

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Republican Candidate Screening Committee ("Screening Committee"), and the Committee to Elect Sitting Judges ("Sitting Judges") were notified of the complaint on February 4, 1985, June 24, 1985, and July 10, 1985, respectively.^{2/}

FACTUAL AND LEGAL ANALYSIS

I. The Facts

A. The Complaint

Appended to the complaint were four letters written by the complainant between September 28, 1984, and October 30, 1984. The information contained in the letters is in part the basis for the complaint. Two of the four letters are addressed to the Commission's General Counsel. The first of these letters is dated September 28, 1984, and states that it has come to the complainant's attention that "in the forthcoming election there are potential violations both of federal and of state laws" Although this letter refers in turn to "the attached letter," the attachment was not included with the complaint.^{3/}

^{2/} By letter dated August 2, 1985, counsel for the respondents was sent copies of the communications to the Commission from Mr. Marshall in Pre-MUR 131.

^{3/} In Pre-MUR 131, a letter and news article were attached to the same September 28, 1984, letter to the General Counsel. The attachment was directed to the Chairman of the Prince George's County Democratic Central Committee and refers to the joint pooling of resources of the county committee with Democratic candidates for President, Vice-President, Congress, and the Committee to Elect Sitting Judges for purposes of the forthcoming election. The letter notes that there is no "authority line on any of the material that I have seen." In addition, the letter notes that "[h]aving attended many meetings of the Prince George's Democratic Committee, I believe it is clear that the 'Sitting Judges' are sharing expenses with Democratic federal candidates and are using the Committee as a conduit."

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The second letter to the General Counsel is dated October 9, 1984, and notes that: "I have been advised that the two 'Sitting Judges' [Judges Ahalt and Johnson] have decided to proceed with the publication of materials (see attached) turning what I believe to be a non-partisan election clearly into a partisan election, in violation ... of the Federal Campaign Act." Again, despite the letter's reference to an enclosure, one was not included with the complaint.^{4/}

The two remaining letters attached to the complaint were addressed to the Chairman of the Maryland Commission on Judicial Disabilities. In one of these letters dated October 19, 1984, the complainant wrote the Chairman that he was enclosing "a copy of a primary sample-ballot that the 'Sitting Judges' have admitted to preparing and paying for, purporting to support certain Republican candidates [which] was mailed to all Republicans in the Fifth Congressional District of Maryland just prior to the May 8 primary." The enclosures noted in the letter were not appended to the complaint.^{5/} On October 30, 1984,

^{4/} The file in Pre-MUR 131 also does not contain an enclosure to the letter dated October 9, 1984.

^{5/} The file in Pre-MUR 131 contains a letter also dated October 19, 1984, but addressed to the Federal Election Commission's General Counsel. The letter encloses a "sample ballot paid for by two of the judicial candidates in Prince George's County, Judge Ahalt and Judge Johnson, which was sent to all registered Republicans just prior to the May 8 primary election." The sample ballot is entitled "Republican Ballot, Primary Election, Tuesday, May 8, 1984." The ballot is partly illegible but contains the names of Ronald Reagan (President), John E. Ritchie (Rep. In Congress), Arthur Ahalt and G.R. Johnson (Judge, 7th Judicial (continued on next page)

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the complainant forwarded to the Chairman of the Commission on Judicial Disabilities "a copy of a letter which I have written -- with enclosures -- to the Federal Election Commission." Enclosures to this letter were also not included with the complaint.^{6/}

In addition to the four letters appended to the complaint, the text of the complaint states:

In the most recent report filed by the Committee to Elect the Sitting Judges, a One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) contribution was made to the 'Republican Screening Committee' which advocated the election not only of the 'sitting judges' but also of federal candidates (see page 29).

^{5/} (continued)

Circuit), and Charles Deegan, Lawrence Hogan, Raymond LaPlaca (Delegates to the Republican National Convention), among others. The last line on the ballot states: "Auth. Republican Candidate Screening Committee -- James R. Pope, Treas." The return address on the envelope for the sample ballot is Republican Candidate Screening Committee, 11341 Frances Drive, Beltsville, Maryland.

^{6/} In Pre-MUR 131 a letter dated October 30, 1984, was received from Mr. Marshall. Mr. Marshall's letter enclosed a portion of a copy of the Sitting Judges' state report which Mr. Marshall notes reflects a \$1,500 transfer to the Screening Committee. As to the Democratic ballot, Mr. Marshall notes a \$5,033.33 expenditure to Guthrie Lithographics on page 32 of the report "for the printing of a sample ballot on behalf of the 'Sitting Judges,' co-mingling their monies with the Prince George's County Democratic Committee and with Congressman Steny H. Hoyer's efforts to be reelected."

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Despite the complainant's reference to page 29, this page was not attached to the complaint.^{7/} The complainant continues on to state that on page 32 "of the same report" there is a \$5,033.33 "contribution made to Guthrie Lithographics, which was a payment for printing of the sample ballot supporting all the Democratic nominees, including federal candidates."

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The complainant also enclosed with the complaint "one of the Democratic sample ballots" and notes that "[t]here were other sample ballots indicating the same, however, the photographs reflect the federal candidates Mr. Mondale and Ms. Ferraro, rather than Mr. Jackson."^{8/} This office's review of the single page document reveals that it is in connection with the general election and is entitled "Democratic Sample Ballot." The sample ballot quotes a small portion of Jesse Jackson's remarks at the opening ceremony of the Democratic Party Headquarters under the authority of the National Rainbow Coalition, Inc. The sample ballot states that it was paid for by "Gary R. Alexander, Chairman, Prince George's County Democratic Central Committee." It appears that numerous additional information appeared under

^{7/} See footnote 6 which discusses the inclusion of the document in the file of Pre-MUR 131.

^{8/} In Pre-MUR 131 a portion of a sample ballot was provided by Mr. Marshall in a letter dated November 2, 1984. This ballot featured a picture of Walter Mondale and Geraldine Ferraro. The copy of the ballot is virtually illegible but contains about 5 lines of print under the "PAID FOR BY" disclaimer, and also seems to state that it was not authorized by any other committee. This ballot is substantially similar in format to the ballot appended to the complaint but also contains a second page which discusses the backgrounds of Steny Hoyer, Arthur Ahalt, and G.R. Johnson. See respondents' responses infra.

the PAID FOR BY line but was omitted in the complainant's copying. Other pages of the ballot were also omitted. See respondents' replies infra. The sample ballot advocates the election of Mondale/Ferraro, Steny Hoyer for U.S. Congress, and Circuit Court Sitting Judges, Arthur Ahalt and G.R. Johnson.^{9/} The return address on the sample ballot is listed as "Headquarters: Prince George's County Democratic Party, 10664 Campus Way South, Upper Marlboro, Maryland."

B. The Respondents' Replies to the Complaint

On March 4, 1985, and August 29, 1985, the Central Committee responded to the allegations in the complaint (Attachment 2). According to the Central Committee, the Democratic "sample ballot in question cost a total of \$15,000.00 to print and this cost was split equally among the Hoyer for Congress Committee, the Central Committee and the Sitting Judges." It is the view of the Central Committee that the "three way split represents a reasonable apportionment between the portion of the ballot dedicated to federal candidates and the portion dedicated to nonfederal candidates." The Central Committee contends the printing "cost relative to federal candidates (\$10,066.66) was paid out of funds raised in accordance with the Act," and that "one third was allocated to the election of sitting judges."

^{9/} Although Jesse Jackson's picture appears on this sample ballot, the only portion of the ballot related to him is a statement under the picture of Jesse Jackson and Steny Hoyer encouraging recipients of the ballot to "Vote Democratic," and the reprinting of a small portion of his remarks. See above.

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The Central Committee provided copies of checks "which substantiate the pro rata allocation" of the costs of the ballots. In support of its claim the Central Committee submitted checks for printing costs drawn on the accounts of the Prince George's Democratic Committee - Federal (October 15, 1984), Committee to Elect Sitting Judges (October 17, 1984), and Hoyer for Congress (October 16, 1984), payable to Gutherie Lithograph, Inc. in the amount of \$5,033.33. The Central Committee emphasizes that its portion of the printing and all other related costs were paid by its "Federal Account," the Prince George's Democratic Committee - Federal.^{10/} Based upon the above, the Central Committee concludes that no violation of the Act occurred because the Central Committee "contributed to the sample ballot from funds which were raised in conformance with the Act," and because 11 C.F.R. § 100.8(b)(10) and § 104.10 indicate that it "appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment between federal and nonfederal elections is reasonable."

^{10/} The Central Committee submitted copies of checks related to all of its expenses for the sample ballots. The checks were drawn on the Central Committee's federal account and were payable to: Postmaster-Riverdale (October 30, 1984) in the amount of \$3,394.37; Merkle Computer Systems, Inc. (October 22, 1984) in the amount of \$641.37; and, The Mail Bag (December 28, 1984) in the amount of \$523.20.

Complete copies of both sample ballots were also provided by the Central Committee, both of which bear the same "PAID FOR BY" and authorization lines. See infra.

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The reply of the Sitting Judges, which was received on August 13, 1985, similarly argues that no violation of the Act occurred with respect to both the Republican and Democratic sample ballots (Attachment 3). While noting that it is "unclear what conduct is being challenged" the respondents address their \$1,500 contribution to the Screening Committee in connection with the Republican sample ballot, and their "participation in the printing and distribution of a [Democratic] sample ballot for the November, 1984 general election." The Sitting Judges explain that its \$1,500 contribution to the Screening Committee for the Republican sample ballot was "made with the intention that it be used specifically for influencing judicial elections." The Sitting Judges contend, therefore, that the contribution does not come within the purview of the Act because the contribution was not made "for the purpose of influencing any election for federal office."

With respect to the 1984 general election Democratic sample ballot at issue herein, the Sitting Judges' response claims that the "cost of printing and mailing the sample ballot was split equally among the Sitting Judges, the Prince George's County

Democratic Committee and Hoyer for Congress." The Sitting Judges argue that the "three-way split represented a reasonable apportionment between the portion of the sample ballot which promoted nonfederal candidates and the portion which promoted Federal candidates." The response notes that "[b]ased on this apportionment two-thirds of the expenditures were designated for federal candidates and paid for from funds raised in accordance with the Act; and one-third was allocated for nonfederal use and paid for from Sitting Judges' funds." In the Sitting Judges' view it is "proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment of expenditures between federal and nonfederal candidates is reasonable. See 11 C.F.R. §§ 100.8(b)(10), 104.10 and 106.1(a)."

In its defense the Sitting Judges provided a copy of the Democratic sample ballot at issue, as well as copies of "the checks issued by the Sitting Judges to pay for their portion of the sample ballot (i.e., printing and mailing)." The checks submitted by the Sitting Judges are payable to: Gutherie Lithograph, Inc. (\$5,033.33) on October 17, 1984; Postmaster, Riverdale (\$3,394.38) on October 30, 1984; The Mail Bag (\$225) on May 30, 1984; and Merkle Computer System, Inc. (\$641.37) on October 24, 1984. The sample ballot provided by the Sitting Judges is substantially larger in content than the portion of the ballot provided by the complainant who seems to have provided this office with only the ballot's cover page. The sample ballot

supplied by the Sitting Judges contains a picture of Walter Mondale and Geraldine Ferraro (see footnote 8) whereas the ballot appended to the complaint pictured Jesse Jackson and Steny Hoyer. The cover pages of both ballots are otherwise substantially similar. Other portions of the ballot were identical. See the Central Committee's reply. The ballot included in the Sitting Judges' response contains the following authorization lines which the Central Committee has demonstrated was included on both versions of the ballot:

PAID FOR BY: Gary R. Alexander, Chairman, Prince George's
County Democratic Central Committee

Charles L. Armetrout, Treasurer, Prince George's County
Democratic Central Committee

James C. Rosapepe, Treasurer, Prince George's
Democratic Committee - Federal

William I. Garner, Jr., Treasurer, Hoyer for Congress

Ralph W. Powers, Treasurer, The Committee to Elect
Sitting Judges

Not authorized by any Other Committee

In addition, one portion of the ballot discusses the backgrounds and qualifications of Steny Hoyer, Arthur Ahalt, and G.R. Johnson (see footnote 8). The other part of the ballot seems to be a replication of the general election ballot for the 5th Congressional District in Maryland, bearing the names of both Republican and Democratic candidates. However, the names of only Mondale/Ferraro, Steny Hoyer, Arthur Ahalt, and G.R. Johnson are in bold face type, apparently to draw attention to those

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candidates sponsoring, or being sponsored in, the ballot. The ballot also refers to various constitutional amendments and notes at the bottom:

FOR QUICK ACCURATE VOTING

1A	MONDALE	*	FERRARO
2A	HOYER		
3A	AHALT		
4A	JOHNSON		

VOTE YES ON QUESTION A

On August 13, 1985, and August 29, 1985, the Screening Committee responded to the complaint's allegations concerning the Republican sample ballot (Attachment 4). The Screening Committee prefaces its reply by noting that the complaint's allegations are unclear, and argues that the Screening Committee does not come within the purview of the Act. The Screening Committee explains that it "was a local organization established solely for the purpose of developing and mailing a sample ballot to registered Republicans." The Screening Committee's response further states that it is completely independent of any Republican party committee. A copy of the sample Republican ballot at issue was provided by the Screening Committee. A review of the ballot reveals that it is in connection with the 1984 primary election, the last line of which states "Republican Candidate Screening Committee - James R. Pope, Treas." Two federal candidates' names appear on the ballot in bold face type, Ronald Reagan (President) and John E. Ritchie (Representative). Also in bold face type are the names of Arthur Ahalt, Jr. and G.R. Johnson (Judge, 7th

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The Screening Committee's response included a partial copy of a state campaign finance report as documentation of its total financial activity during 1984. The report covers the period of April 27, 1984, through October 26, 1984, and discloses receipts and disbursements of \$2,445.23. The Screening Committee's total receipts for 1984 are reported to have come from four sources: "Committee to Retain [sic] the Sitting Judges" (\$1,500 on April 27, 1984); "Ritchie for Congress" (\$500 on April 27, 1984); "PG Delegates for Reagan and Bush" (\$400 on June 20, 1984); and, Jim Pope (\$45.23 on June 20, 1984). According to the Screening Committee, "[t]he sole use of these funds was for creating and mailing the sample ballot." The Screening Committee concludes its response by mistakenly arguing that it is not a "political committee" under the Act "since the funds raised and expended by the Screening Committee were less than \$5,000 and were not 'contributions' or expenditures' within the purview of the Act."

(a) The applicable law

Pursuant to 2 U.S.C. § 441d(a) whenever any person makes an expenditure for the purpose of financing communications expressly advocating the election or defeat of a clearly

identified candidate or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication --

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

The term "political committee" is defined at 2 U.S.C. § 431(4)(A) to mean any committee, club, association, or other group of persons which receives contributions aggregating in excess of \$1,000 during a calendar year or which makes expenditures aggregating in excess of \$1,000 during a calendar year. In addition, 2 U.S.C. § 431(4)(C) defines "political committee" to mean any local committee of a political party which receives contributions aggregating in excess of \$5,000 during a calendar year, or makes payments exempted from the definition of contribution or expenditure as defined in 2 U.S.C. § 431(8) and (9) aggregating in excess of \$5,000 during a calendar year, or

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makes contributions aggregating in excess of \$1,000 during a calendar year or makes expenditures aggregating in excess of \$1,000 during a calendar year.

Pursuant to 2 U.S.C. § 431(8)(A), the term "contribution" includes any gift, subscription, loan, advance, or anything of value made by any person for the purpose of influencing a federal election. As set forth at 2 U.S.C. § 431(9)(A), the term "expenditure" includes any purchase, payment, distribution, loan, advance, deposit, or gift of money, or anything of value, made by any person for the purpose of influencing any election for federal office.

Pursuant to 2 U.S.C. § 431(8)(B)(v) and § 431(9)(B)(iv), the terms "contribution" and "expenditure" do not include:

the payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card or sample ballot, or other printed listing, of 3 or more candidates for any public office for which an election is held in the State in which such committee is organized, except that this clause shall not apply to costs incurred by such committee with respect to a display of any such listing made on broadcasting stations, or in newspapers, magazines, or similar types of general public political advertising.

Under 2 U.S.C. § 441b(a) a corporation is prohibited from making a contribution or expenditure in connection with a federal election.

Section 102.5(b)(ii) of Title 11, Code of Federal Regulations, requires organizations which do not qualify as political committees but which make contributions or expenditure

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to demonstrate through a reasonable accounting method that whenever such organization makes a contribution, expenditure, or exempted payment, that organization has received sufficient funds subject to the limitations and prohibitions of the Act to make such contribution, expenditure, or payment. Such organization shall keep records of amounts received under this subsection and upon request, shall make such records available for examination by the Commission.

As set forth at 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) a political committee is required to report the name and address of each person to whom an expenditure in an aggregate amount or value in excess of \$200 within the calendar year is made by the reporting committee to meet a candidate or committee operating expense, together with the date, amount, and purpose of such operating expenditure.

(b) Application of the law to the facts

1. The Democratic Sample Ballots

The evidence in hand indicates that two virtually identical ballots were prepared and distributed by the Central Committee's federal account, the Sitting Judges, and the Hoyer for Congress Committee. The primary issue which arises, therefore, is whether such activity is exempted from the definitions of "expenditure" and "contribution" pursuant to 2 U.S.C. § 431(8)(B)(v) and § 431(9)(B)(iv). Insofar as the related costs including printing and mailing were paid by the above parties directly to the entities providing the services each portion of the ballot may be evaluated separately in determining if it qualifies for the exemption.

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In the view of this office the portion of the sample ballots paid by the Central Committee's federal account are exempt from the definitions of "contribution" and "expenditure." The exemption should be considered to apply because this portion of the ballot was paid by the federal account of a local party committee and, hence, with funds subject to the limitations and prohibitions of the Act. See 11 C.F.R. § 100.7(b)(9) and § 100.8(b)(10). In addition, besides the names of Mondale and Ferraro the portion of the ballots allocable to the Central Committee's federal account contain the names of other federal opponents and numerous candidates for public office (School Board and Court of Appeals) beyond the requisite three. Furthermore, the ballots were mailed rather than displayed on broadcasting stations, newspapers, magazines or similar types of general public political advertising. See 2 U.S.C. § 431(8)(B)(xi) and § 431(9)(B)(iv).11/

The Commission has determined that where the expenditures on behalf of presidential candidates by local party committees are

11/ Under the sample ballot exemption, a sample ballot may include the identification of the candidate, the office or position currently held, the elective office sought, party affiliation, voting time, place and instructions, but may not include additional biographical data on candidates, their positions on political issues or statements on party philosophy. See Advisory Opinions 1978-9 and 1978-89, and the Federal Election Commission Campaign Guide for Political Party Committees (March 1984). The portion of the instant sample ballot which discusses the backgrounds of Steny Hoyer and the two Sitting Judges should not be considered to bear upon the exemption applicable to the Central Committee since these portions were arguably financed by the Hoyer for Congress Committee and the Sitting Judges.

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not authorized coordinated expenditures, in-kind contributions, or for exempted activity, the local party committee will be considered as making a prohibited independent expenditure in violation of 11 C.F.R. § 110.7. See Memorandum to the Commission from Charles N. Steele concerning Party Committee Expenditures, dated May 5, 1982.^{12/} See also MURs 1339 and 1328/1358. In that under the instant analysis the federal account's payment of the expenses for the sample ballot are exempt payments under the Act, such payments do not constitute prohibited independent expenditures in connection with the general election. Accordingly, it is the recommendation of this office that the Commission find no reason to believe the Central Committee or its federal account, the Prince George's Democratic Committee-Federal, and James Rosapepe, as treasurer, violated 2 U.S.C. § 441a and 11 C.F.R. § 110.7.

As exempted payments under the Act by the Central Committee's federal account the sample ballots were not required to include a notice pursuant to 2 U.S.C. § 441d. (We note, however, that the ballots stated that they were paid for by the federal account of the Central Committee.) Based upon the foregoing it is the recommendation of this office that the Commission find no reason to believe the Central Committee, the Prince George's Democratic Committee-Federal, and James Rosapepe, as treasurer, violated 2 U.S.C. § 441d.

^{12/} The Commission also determined that expenditures on behalf of presidential candidates by local party committees should not automatically be attributed to either the national or the state party committees absent evidence of authorization or coordination. (In the instant matter there is no evidence of authorization or coordination.)

Each expense incurred by the Central Committee's federal account, the Prince George's Democratic Committee-Federal, in connection with the sample ballots was required to be itemized on its reports to the Commission where such disbursements exceeded \$200 to each person during the calendar year. Although the Committee reported the disbursements at issue as operating expenditures, it failed to itemize its payments to Gutherie Lithographs (\$5,033.33), Postmaster-Riverdale (\$3,394.37), Merkle Computer Systems, Inc. (\$641.37), and The Mail Bag (\$523.20), in violation of 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix). It is, therefore, the recommendation of this office that the Commission find reason to believe the Prince George's Democratic Committee--Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix).

With respect to both the Sitting Judges' and the Hoyer for Congress Committee's role in the Democratic sample ballots, it is the position of this office that such entities cannot claim to fall under the sample ballot exemption of 2 U.S.C.

§ 431(8)(b)(xi) and § 431(9)(B)(iv) simply by virtue of their participation in a ballot with a local party committee. This view is reflected in the Act and Commission regulations wherein payments for sample ballots by state or local party committees are exempted as contributions and expenditures. There is no indication in the legislative history of these provisions that

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Congress intended other groups to avail themselves of this exemption by joining with a party committee thereby avoiding the disclaimer requirements. During the House Debates on the Conference Report Representative Frenzel stated:

I believe that the purpose of the provision which exempts slatecards and printed listings of three or more candidates for public office from the definitions of contribution and expenditure is not to allow candidates or political committees to circumvent the disclosure provisions and the limitations on contributions and expenditures by waging extensive campaigns using sample ballots, slatecards, and other similar devices, but rather to allow State and local parties to educate the general public.

See statement of Representative Frenzel, 120 Cong. Record, H 10334 (daily ed. October 10, 1974).

As to the Sitting Judges' payment for a portion of the Democratic ballots, this office is of the view that there is no reason to believe the Sitting Judges violated 2 U.S.C. §§ 441b(a) or 441d. This recommendation reflects the fact that the funds expended by the Sitting Judges were intended for the sole support of the non-federal portion of the ballot, and that such funds went directly to the printer and other service entities rather than into a federal account of a political committee. In addition, the allocation of the expenditures between the two non-federal and three federal candidates in bold face type appears reasonable so that no subsidization of the federal portion of the

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ballot appears to have occurred with non-federal funds.^{13/}
Because the Sitting Judges' share was used for the sole support of non-federal candidates, the prohibitions and requirements of 2 U.S.C. §§ 441b(a) and 441d do not apply in that the Sitting Judges did not make an "expenditure" under the Act. It is, therefore, the recommendation of this office that the Commission find no reason to believe the Sitting Judges and Ralph W. Powers, as treasurer, violated 2 U.S.C. §§ 441b(a) and 441d.

With respect to the Hoyer for Congress Committee's role in the sample ballot, this office notes that the Hoyer Committee stated on the ballot that it financed the communication, and that its reports disclosed an expenditure to Guthrie Lithograph, Inc. for "Hoyer portion of Sample Ballot printing costs," as well as to "Postmaster, Riverdale" for postage, to "Merkle Computer," and to The Mail Bag.

(2) Republican Sample Ballot

Unlike the scenario presented above the question does not arise as to whether the costs associated with the Republican

^{13/} The Sitting Judges paid one-third or less of the costs while representing two-fifths of the names in bold face type on the ballot. Because one-third is less than two fifths, the non-federal funds cannot be said to have been used to pay any part of the federal portion of the ballot. See 11 C.F.R. § 106.1.

sample ballot are exempted "contributions" or "expenditures" because the Screening Committee is not a local committee of a political party. As discussed above, the Screening Committee was established solely to develop and mail a sample ballot to registered Republicans. Other fundamental distinctions are that this ballot was in connection with a primary election rather than a general election, and that the funds used for the ballot were deposited into the Screening Committee's account.

Based upon the facts peculiar to this ballot the issue which arises is whether the Screening Committee constitutes a "political committee" under the Act (see 2 U.S.C. § 431(4)(A)), whether the name(s) of the person(s) paying the costs of the ballot was required to appear on the ballot, and whether the ballot was authorized by a candidate. An additional issue to be considered is whether the activity at issue, which was sponsored with both federal and non-federal funds, violated 2 U.S.C. § 441b(a) in that corporate contributions are permissible under Maryland state law.

It is the view of this office that the Screening Committee can be considered to have become a political committee under the Act by virtue of the amount of monies it expended for that

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portion of the ballot related to federal elections.^{14/} Of the \$2,445.23 expended for the ballot approximately 5/7 of its costs (\$1,746.60) is allocable to federal elections. See 11 C.F.R. § 106.1. We arrive at this allocation by determining the ratio of the number of federally related names on the ballot (5) to the total number of names on the ballot (7) which were in bold type and emphasized. Thus, based upon this allocation or any other reasonable method the Screening Committee made "expenditures" in excess of \$1,000 during 1984, thereby arguably triggering the registration and reporting requirements.^{15/}

It is this office's further view that based upon the sources of the monies it received the Screening Committee must have used some of the non-federal funds donated by the Sitting Judges to pay for a part of federal portion of the ballot. This position reflects the allocation discussed above in conjunction with the fact that the Sitting Judges contributed 61 percent (\$1,500) of

^{14/} It could be argued that the Screening Committee did not receive more than \$1000 in "contributions" during 1984. Aside from the Sitting Judge's contribution (\$1,500) for state elections, the Screening Committee received a total of only \$945.23 from: Ritchie for Congress, a registered political committee; Jim Pope, the Screening Committee's treasurer; and PG Delegates for Reagan Bush. (On April 30, 1984, an entity entitled Prince Georges Delegates for Reagan Bush Committee registered with the Commission but no further filings were submitted. This committee was located at a different address than the P.G. Delegates for Reagan and Bush listed on the Screening Committee's Report. It appears likely that the two committees are the same.) Even if PG Delegates for Reagan Bush is a non-federal committee it may contribute to federal elections provided it has received sufficient funds subject to the limitations and prohibitions of the Act. See 11 C.F.R. § 102.5(b).

^{15/} We note that without regard to the highlighting of names on the ballot only 3 of the 22 names appearing were in connection with non-federal elections which could indicate that 19/22 of the ballot's cost should have been paid for with federal funds.

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the \$2,445.23 expended for the ballot but received only 2/7 of the benefit, i.e. two of the seven highlighted candidates were the Sitting Judges. Thus, it does not appear that the Screening Committee received sufficient funds subject to the prohibitions of the Act to finance the federal portion of the ballot. See 11 C.F.R. § 102.5(b).^{16/} In consideration of this circumstance this office makes no recommendation with respect to the Screening Committee's failure to register and report as a political committee pursuant to 2 U.S.C. §§ 433 and 434. We believe it is more appropriate to find that the Screening Committee violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by using prohibited funds to make "expenditures" than to find that the Screening Committee failed to register and report as a result of an expenditure constituting prohibited funds. Accordingly, it is recommended that the Commission find reason to believe the Screening Committee and James Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by using prohibited funds to make an expenditure.

This office further recommends that the Commission take no action against the Sitting Judges with respect to a violation of 2 U.S.C. § 441b(a) associated with their contribution to the Screening Committee. This recommendation reflects the fact

^{16/} The coattails exemption at 11 C.F.R. § 100.8(b)(17) and § 100.7(b)(16) does not apply to the Screening Committee's expenditure because it is not a "candidate" or a "candidate's authorized committee," and such materials do not appear to have been used in connection with volunteer activities, but rather in connection with direct mail.

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that the Sitting Judges contributed monies to the Screening Committee with the intention that they be used solely to finance the judicial portion of the ballot.

With respect to the appearance of a disclaimer on the ballot, this office believes that 2 U.S.C. § 441d(a)(2) and (3) is applicable in that the "expenditure" was in fact made by the Screening Committee. The sample ballot, therefore, should not only have stated that it was paid for by the Screening Committee, but also that it was authorized by the Ritchie for Congress Committee and not authorized by any other candidate or committee. However, because an attempt was made to inform the public of who was responsible for the sample ballot through the inclusion of some information to this effect on the ballot it is the recommendation of this office that the Commission find reason to believe the Screening Committee violated 2 U.S.C. § 441d and take no further action.

RECOMMENDATIONS

1. Find no reason to believe the Prince George's County Democratic Committee, the Prince George's Democratic Central Committee - Federal, and James Rosapepe, as treasurer, violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7.
2. Find reason to believe the Prince George's County Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix).
3. Find no reason to believe the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, violated 2 U.S.C. §§ 441b(a) and 441d in connection with the Democratic sample ballot.
4. Find reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b).

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5. Find reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441d and take no further action.
6. Take no action against the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, with respect to the Republican sample ballot.
7. Approve the attached letter and General Counsel's Factual and Legal Analysis.

Charles N. Steele
General Counsel


Date

BY:


Kenneth A. Gross
Associate General Counsel

Attachments

- 1-Complaint
- 2-Central Committee's response
- 3-Screening Committee's response
- 4-Sitting Judges' response
- 5-Proposed letter and analysis

36040573612



STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY
ARTHUR A. MARSHALL, JR.
COURT HOUSE
UPPER MARLBORO, MARYLAND 20772
952-3583

85 JAN 23 P 2: 16

MUR 1887

January 22, 1985

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

On September 28, 1984, I wrote to you relative to what appeared potential violations of federal law. This was followed up by my letters of October 9, October 19, and October 30. I thought everything had been complied with relative to law, until a more recent phone call from your office requested that the complaint be submitted under oath.

Enclosed please find my letters of September 28, October 9, October 19, and October 30, 1984. I will, under the penalties of perjury, submit that the information contained therein is true and correct to the best of my knowledge, information, and belief.

In the most recent report filed by the Committee to Elect the Sitting Judges, a One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) contribution was made to the "Republican Screening Committee," which I assume is the same "Republican Candidate Screening Committee" which advocated the election not only of the "sitting judges" but also of federal candidates (see page 29).

On page thirty-two (32) of the same report there was a Five Thousand Thirty-Three and 33/100 Dollars (\$5,033.33) contribution made to Guthrie Lithographics, which was a payment for printing of the sample ballot supporting all the Democratic nominees, including federal candidates. I am enclosing one of the Democratic sample ballots. There were other sample ballots indicating the same, however, the photographs reflect the federal candidates Mr. Mondale and Ms. Ferraro, rather than Mr. Jackson. This information I am certain is available through the Democratic Party.

- c o n t i n u e d -

Attachment 1 (1)

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P4:27

To: Charles N. Steele, Esquire
January 22, 1985
Page Two

The reason I write is to understand fully what the law is, and to have your advices in light of the fact that it may well be that not only will I seek election in the future to one of the judicial offices, but also, once again, I would be running against a "sitting judge" and would like to be able to prohibit the violation of the law in advance--as was my intention in this past election--rather than to file a complaint after the harm has been done.

If you have any questions, please do not hesitate to contact me.

Sincerely,

ARTHUR A. MARSHALL, JR.

Enclosures
AAM/mar

STATE OF MARYLAND)

ss:

COUNTY OF PRINCE GEORGE'S)

I HEREBY CERTIFY, under the penalties of perjury, that the foregoing information, and the information contained in the attachments hereto, is true and correct to the best of my knowledge, information, and belief.

WITNESS my hand and seal this 22nd day of January, 1985.

ARTHUR A. MARSHALL, JR.

Mary Alice Ruslander

Notary Public

My commission expires: 07/01/86

1(2)

September 28, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Recently it was brought to my attention that in the forthcoming election there are potential violations both of federal and of state laws, as well as possible violations of the Canons of Judicial Ethics, by at least two of the judicial candidates in Prince George's County.

I have written the attached letter and would greatly appreciate your looking into this matter.

Thanking you for your attention in this matter, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

October 9, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Last week I wrote to you regarding Judges Ahalt and Johnson in Prince George's County, Maryland, who are running for election.

I have been advised that the two "Sitting Judges" have decided to proceed with the publication of materials (see attached), turning what I believe to be a non-partisan election clearly into a partisan election, in violation--in my opinion--of the Canons of Judicial Ethics and of the Federal Election Campaign Act. I greatly would appreciate your looking into this matter and apprising the appropriate parties as to your findings.

Pointing out that the election is less than four (4) weeks away, I would request that this be handled immediately so that proper decisions can be made and so that sanctions will not have to be brought.

Thanking you, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosure

1(4)

86040573616



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

October 19, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

Dear Judge Gilbert:

Enclosed please find a copy of a primary sample-ballot that the "Sitting Judges" have admitted to preparing and paying for, purporting to support certain Republican candidates. This was mailed to all Republicans in the Fifth Congressional District of Maryland just prior to the May 8 primary. I believe this clearly is a violation of the Canons of Judicial Ethics and I believe it incumbent upon yourself and your Committee to act immediately; certainly even an oral opinion directed to the "Sitting Judges" as to your findings would be of some assistance.

Also enclosed are copies of some materials which had been sent to you previously, for I have been advised that you had not received same.

The election now is only two (2) weeks away.

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

1(S)



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

October 30, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

Dear Judge Gilbert:

Recognizing that nothing will be done prior to the election of next week, I am forwarding to your attention a copy of a letter which I have written--with enclosures--to the Federal Election Commission.

I believe that this particular political activity on the part of the "Sitting Judges" is a violation of the Canons of Judicial Ethics.

So that prospectively other judges who are required by the Constitution of the State of Maryland to seek election have the benefit of your committee's guidance, I would hope that you will thoroughly review these matters and render an appropriate opinion.

Your guidance would be welcome, I am certain, by all judges who might have to run in the election of 1986, as well as by their prospective opponents.

Thanking you, I remain

Sincerely,

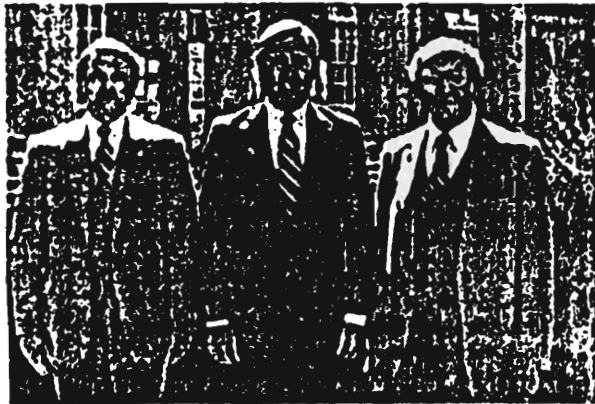
ARTHUR A. MARSHALL, JR.

Enclosures

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Our two very qualified and able jurists, Circuit Court judges Monty Ahalt and Hovey Johnson, are seeking to be returned to their positions. I fully support their efforts and urge you to vote for them on Election Day.

STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER



SITTING JUDGES — CIRCUIT COURT

ARTHUR M. MONTY
AHALT, JR.



G.R. HOVEY
JOHNSON



VOTE DEMOCRATIC

INTEGRITY

EXPERIENCE

(17)



HEADQUARTERS:

PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20712
350-9102

DEMOCRATIC
SAMPLE BALLOT



MONDALE

for America

FERRARO



Congressman Steny Hoyer and Rev. Jesse Jackson

VOTE DEMOCRATIC

... this race is not only about electing a President, it is also about electing state and local officials on every level ... from tax assessor, to your congressional representative ...

REV. JESSE JACKSON

Opening Ceremony of Democratic Party Headquarters, Kettling Shopping Center

Authority: National Rainbow Coalition, Inc.

GENERAL ELECTION

Tuesday, November 6, 1984

BULK
US POST
PERMIT
RIVERD

7400 6067

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

March 1, 1985

DOUGLAS M. BREGMAN
LAURENCE H. BERBERT
LOREN B. MARK

ADMITTED TO PRACTICE IN MD. D.C.
ADMITTED TO PRACTICE IN D.C.

Brown

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA. D.C.

Duane Brown, Esq.
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1887

Dear Mr. Brown:

I have been asked by Gary R. Alexander of the Prince George's County Democratic Central Committee ("Central Committee") to respond to a "complaint" lodged with your Commission by Arthur A. Marshall, Jr. Notice of the complaint was made to Mr. Alexander in a letter from Kenneth A. Gross, dated February 4, 1985. In an effort to assist your evaluation I have obtained certain documentation (e.g., copies of checks) which are relevant to this response and which I am providing to you with this letter.

There appear to be two issues raised by Mr. Marshall's letter. First, that there may have been some violation of the Federal Election Campaign Act ("Act") based on a contribution by the Committee to Elect Sitting Judges ("Sitting Judges") to the Republican Screening Committee. Second, that the expenditures made by the Sitting Judges for printing and mailing of a sample ballot in some way violated the Act.

First, as to the \$1,500.00 contribution to the Screening Committee, we perceive no basis for a complaint where a state committee (such as the Sitting Judges) contributes to another committee which supports federal, state and local candidates, so long as the state committee intends the contribution to be used for state and local candidates. The Sitting Judges gave that \$1,500.00 with the intention that the Screening Committee use it for the purpose of influencing the election of state and local candidates, specifically. According to the regulations a contribution is not a contribution within the meaning of the Act unless it is made "for the purpose of influencing any election for federal office ..." 11 CFR 100.7 (a)(1). So, based on what was alluded to in Mr. Marshall's "complaint", it seems clear that a contribution given for the purpose of electing nonfederal candidates is not a violation of the Act even where the receiving organization may carry on activities for both federal and nonfederal elections.

Attachment 2(1)

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Second, Mr. Marshall suggests some impropriety in the Sitting Judges' participation in a sample ballot which promoted both federal and nonfederal candidates. The sample ballot in question cost a total of \$15,100.00 to print and this cost was split equally among the Hoyer for Congress Committee, the Central Committee and the Sitting Judges. The three way split represents a reasonable apportionment between the portion of the ballot dedicated to federal candidates and the portion dedicated to nonfederal candidates. The cost relative to federal candidates (\$10,066.66) was paid out of funds raised in accordance with the Act. One third was allocated to the election of sitting judges. Enclosed are copies of checks which substantiate the pro rata allocation. Please note that the part paid by the Central Committee was derived from that committee's "Federal Account." In other words, the Central Committee contributed to the sample ballot from funds which were raised in conformance with the Act. According to 11 CFR 108(b)(10) and 11 CFR 104.10 it appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment between federal and nonfederal elections is reasonable. The Sitting Judges contributed to that sample ballot solely for promotion of sitting judges who were included in the sample ballot. On this basis it seems clear that no nonfederal candidate funds were used or expended for federal candidates and, therefore, there does not appear to be a violation of the Act. This allocation method was recommended by Todd Johnson of the Federal Election Commission staff. The decision to follow this procedure was based upon his advice.

Based on the foregoing, it is our opinion that no contributions or expenditures were made in violation of the Act.

If you have any further questions or need any additional information, please feel free to contact me.

Sincerely yours,


Douglas M. Bregman

DMB:jls
Enclosures

cc: Hon. Steny Hoyer
Gary R. Alexander, Esq.

8 6 0 4 0 5 7 3 6 2 2

PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT

8507 RED WING LANE
LANHAM, MD 20708

October 15 1984

1002

65-296
650

PAY TO THE ORDER OF Gutherine Lithograph Co., Inc.

\$ 5,033.33

Five Thousand Thirty Three and 33/100-----DOLLARS



MEMO 1/3 Ballot Exp.

⑆ 055002969⑆010 5197⑆000⑆1002 ⑆0000503333⑆

FOR DEPOSIT
ACCOUNT
GUTHRIE LITHOGRAPH CO., INC.
1085 04 WASHINGTON
WASHINGTON DC
15-7 15-7

OCT 17 94

65-293

PAID
21 - 10

86040573623

COMMITTEE TO ELECT SITTING JUDGES
7315 WISCONSIN AVE., SUITE 600 W
BETHESDA, MD 20814

175

PAY TO THE ORDER OF Guthrie Lithograph, Inc. 10-22-84 004 01 0254 305586213

Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR Guthrie Lithograph, Inc.

⑆000175⑆ ⑆055003264⑆ 0307363701⑆ ⑆0000503333⑆

10-22-84 P.A.M. ANY BANK P.E.C. 7-87
P.R.B. BALTIMORE MD 052000278
10-22-84 01-01 0254 305586213

FOR DEPOSIT
ACCOUNT
GUTHRIE LITHOGRAPH CO., INC.
1 099 04 3

120113454

HOYER FOR CONGRESS
8108 OLD SILVER HILL ROAD
DISTRICT HEIGHTS, MD. 20747

SUBURBAN BANK
CLINTON OFFICE
CLINTON, MD 20753

1103

October 16 1984

PAY Five thousand thirty-three and 33/100***** DOLLARS \$5033.33

TO THE ORDER OF Guthrie Lithograph, Inc.
Evarts Street
Washington, D.C.

⑆001103⑆ ⑆055002341⑆ 38 0716 8⑆ ⑆0000503333⑆

Richard D. Hoyer

0202 96713
FOR DEPOSIT
ACCOUNT ANY BANK P.E.C.
GUTHRIE LITHOGRAPH CO., INC.
1 099 04 3
15-7

DEC 17 84

PAID
OCT 21 17 1984
SUBURBAN BANK

2(4)

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

August 27, 1985

RECEIVED AT THE FEC
GCC#8410
85 AUG 29 18:07

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: M.U.R. 1887-
Supplemental Response of
The Prince George's County
Democratic Central Committee

Dear Ms. White:

This letter will confirm the information which I provided when we spoke by telephone today. I have also enclosed the following: 1) Copies of both variation of the sample ballot for the November 6, 1984 general election and 2) Copies of the check issued by the Prince George's County Democratic Committee, from their Federal Account, for their one third (1/3) portion of the sample ballot expenses.

As I explained when we spoke, the sample ballot came in two variations. One had a picture of Mondale and Ferrarro on the front while the other carried a picture of Congressman Hoyer and Jesse Jackson. These two variations were all contained within the same printing and mailing expenditures as apportioned between the three involved organizations. Also, as noted, the enclosed check copies will substantiate that the one-third (1/3) paid by the Prince George's County Democratic Committee did come from appropriate federal funds to cover the federal portion of the sample ballot.

My client is prepared to attest to any matters contained in this supplement, as well as matter contained in its initial response dated March 1, 1985. If there are any further questions, please feel free to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 

Loren B. Mark

LBM:lmw
Enclosure

cc: Mr. Alexander and Ms. Kranswick

2(s)

186040573624

NO '84 02 65-296
PAID

Post Only
J. Edgar Service
MSC Prince Georges, MD 2079C
Unit ID 796
Acct. # 3510112 2 5 6 7 3 1
Identification Type PAID
By Mail 65-231
NO 02


1104 188 12 112 10 78 58

PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT
8507 RED WING LANE
LANHAM, MD 20706

1004

Oct. 30 19 81 65-296
650

PAY TO THE ORDER OF Postmaster - Prince Georges \$ 3394.37
Three Thousand Three Hundred Ninety Four and 37/100 DOLLARS

 Citizens Bank
Of Maryland
RIVERDALE, MD. 20737

65-296 - BALLOTS 5826


⑆055002969⑆010 5197⑈000⑈004 ⑆0000339437⑆

PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT
8507 RED WING LANE
LANHAM, MD 20706

1003

October 22 19 84 65-296
650

PAY TO THE ORDER OF Merkle Computer Systems, Inc. \$ 641.37
Six Hundred Forty One and 37/100 DOLLARS

 Citizens Bank
Of Maryland
RIVERDALE, MD. 20737

Labels, etc.

⑆055002969⑆010 5197⑈000⑈003

OT - 26 65-296
PAID

OT 85 26
BALTIMORE
0520001

FOR DEPOSIT ONLY
MERKLE COMPUTER SYSTEMS, INC.
2222 81504
P.O. PRINCE GEORGES
UNITED STATES
OF MARYLAND
65-129 MD 65-129
7-11

2(6)

PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT

8507 RED WING LANE
LANHAM, MD 20706

October 15 1984

1002

65-2981
680

PAY TO THE ORDER OF Gutherine Lithograph Co., Inc. \$ 5,033.33

Five Thousand Thirty Three and 33/100-----DOLLARS



Citizens Bank
Of Maryland
RIVERDALE, MD 20737

[Signature]

1/3 Ballot Exp.

⑆055002969⑆010 5197⑈000⑈1002 ⑈0000503333⑈

3 62824 9 657 7 23
FOR DEPOSIT
ACCOUNT
GUTHRIE LITHOGRAPH CO., INC.
1000 04 WASHINGTON
WASHINGTON, DC
15-7 15-7

OCT 17 94


65-293

PAID
OCT - 17

2(7)

86040573627

948
PAY TO THE ORDER OF
NS&T BANK
FOLLETS BAG, INC.
THE MAIL BAG, INC.
15-52
07
NS&T BANK
PAY TO THE ORDER OF
NS&T BANK
FOLLETS BAG, INC.
THE MAIL BAG, INC.
15-52
07

PRINCE GEORGES DEMOCRATIC COMMITTEE FEDERAL ACCOUNT		1007
8507 RED WING LANE LANHAM, MD 20708		December 28, 1984
PAY TO THE ORDER OF <u>The Mail Bag</u>		\$ 523.20
<u>Five Hundred Twenty Three and 20/100</u> DOLLARS		
	Citizens Bank Of Maryland RIVERDALE, MD 20727	NS&T BANK 105110050
MEMO: 1/3 of Inv. #14927 A&B		
⑆055002969⑆010 5197⑈000⑈007		⑈0000052320⑈

2(8)

The two very qualified and able parents, Circuit Court
rises Monty Ahalt and Hovey Johnson, are seeking to
return to their positions. I fully support their efforts
and urge you to vote for them on Election Day.

STENY H. HOYER



U.S. CONGRESS

STENY H.
HOYER

2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. AHALT, JR.

9A

G.R. HOVEY
JOHNSON

10A

VOTE DEMOCRATIC

INTEGRITY

EXPERIENCE

PULL LEVERS

1A 2A 3A 10A

VOTE YES ON QUESTION A

HEADQUARTERS:
PRINCE GEORGES COUNTY
DEMOCRATIC PARTY
10864 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102

DATE PAID
US POSTAGE PAID
PERMIT NO. 5078
BETHESDA, MD

DEMOCRATIC SAMPLE BALLOT

MONDALE

for America

FERRARO

1A



Congressman Steny Hoyer and Rev. Jesse Jackson

VOTE DEMOCRATIC

this race is not only about electing a President, it is also
about electing state and local officials on every level ... from
tax assessor, to your congressional representative ...

REV. JESSE JACKSON

Opening Ceremony of Democratic Party Headquarters, Balloting Shipping Center
Authority: National Random Codebook, Inc.

GENERAL ELECTION
Tuesday, November 6, 1984

Paid for by: Gary B. Alexander, Chairman Prince George's County Democratic Central Committee
Charles L. Ammend, Treasurer Prince George's County Democratic Central Committee
James C. Ruppel, Treasurer Prince George's Democratic Central Committee
William J. Gorman, Jr., Treasurer Hoyer for Congress
Ralph W. Powers, Jr., Treasurer The Committee to Elect the Sitting Judge
Not Authorized by Any Other Committee

(b)2

8 6 0 4 0 5 7 3 6 2 8

DEMOCRATIC PARTY

U.S. CONGRESS

7th JUDICIAL CIRCUIT

2(10)



TONY H.
IOYER

Congressman Tony Ioyer is one of Maryland's most energetic and active political leaders.

A resident of Bethesda, he is married to the former Judith E. Pichon and has three daughters: Susan, Stefany and Anne. Ioyer is a graduate of the University of Maryland, Georgetown Law School, and served as a Senator from Prince George's County for twelve years — four as President of the Maryland Senate, the youngest ever elected.

He has represented Maryland's 14th District in Congress since May, 1981 and serves as a member of the House Appropriations Committee, the first Prince Georges since 1895 to be appointed to this prestigious and powerful post, where he serves his constituents on issues relating to education, health, national defense, international relations and concerns of federal employees and retirees.

Like Congressman Steny Hoyer, he has continued the long tradition in the 14th District that the people of the 14th District have come to expect by doing outstanding constituent services and exercising leadership on issues of importance to us all. He has earned the respect of both his colleagues in the Congress and the citizens of our county and state. According to the Washington Magazine, Steny Hoyer is "one of our nation's 100 future leaders" and we agree.



ARTHUR M. "MONTY"
AHALT, JR.

Judge Arthur M. Monty Ahalt, Jr. has been at the core of Prince George's County events since birth. Raised in College Park and educated in the County school system, Judge Ahalt graduated from the University of Maryland and obtained his Juris Doctor from American University. Intensely involved in professional, community and family life, Judge Ahalt is quite at home on a basketball court or soccer field where he regularly coaches young people. Prior to his appointment to the bench in February 1982, Judge Ahalt was an active trial attorney for 15 years. He is a former president of the County Bar Association and currently is an elder in his Presbyterian Church. He lives with his wife, Sandra, and their three children in Mitchellville.



G.R. HOVEY
JOHNSON

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attache Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November 1982, the Judge was an active trial attorney in the County. He lives with his wife, Joan, and their three children in Bowie.

"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials."

Reprint by Authority
The Washington Post

18 6 0 4 0 5 7 3 6 2 9

$$2(11)$$

Polls Open 7 a.m. to 8 p.m.

8 6 0 4 0 5 7 3 6 3 0

Mrs. Monty Ahall and Huey Johnson, are seeking to
returned to their positions. I fully support their efforts
I urge you to vote for them on Election Day

STERN H. HOVER



U.S. CONGRESS
STERN H.
HOVER 2A

JUDGES — CIRCUIT COURT
MONTY AHALL JR. 1A
HUEY JOHNSON 10A

**VOTE DEMOCRATIC
INTEGRITY**

EXPERIENCE

**PULL LEVERS 1A 2A 3A 10A
VOTE YES ON QUESTION A**

THE SPITH FAMILY
6122 85TH PL
NEW CARROLLTON MD 20786

20-02

HEADQUARTERS:
PRINCE GEORGES COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102

DEMOCRATIC
SAMPLE BALLOT

MONDALE

for America

FERRARO 1A



**VOTE DEMOCRATIC
QUALITY**

LEADERSHIP

GENERAL ELECTION

Tuesday, November 6, 1984

BULK RATE
US POSTAGE PAID
PERMIT NO 5026
BETHESDA, MD

PAID FOR BY: Gov. R. Alexander Chairman, Prince George's County Democratic Central Committee
Charles L. Zimmerman, Treasurer, Prince George's County Democratic Central Committee
James C. Riney, Treasurer, Prince George's Democratic Central Committee
William I. Carter, Jr. Treasurer, Mayor for Congress
Ralph W. Powers, Jr. Treasurer, The Committee to Elect the Sitting Judges
Not Authorized by Any Other Committee

2/13)

8 6 0 4 0 3 7 3 6 3 2

DEMOCRATIC PARTY

U.S. CONGRESS

7th JUDICIAL CIRCUIT



STENY H.
HOYER

Congressman Steny Hoyer is one of Maryland's most energetic and active political leaders.

A resident of Beltsville, he is married to the former Judith E. Pickett. They have three daughters, Susan, Stefany and Anna. Hoyer is a graduate of the University of Maryland, Georgetown Law School, and served as a U.S. Senator from Prince George's County for twelve years — four as President of the Maryland Senate, the youngest ever elected.

He has represented Maryland's 14th District in Congress since May 1981 and serves as a member of the House Appropriations Committee. He is the first Prince Georges since 1895 to be appointed to this position and powerful post, where he serves his constituents on issues ranging from education, health, national defense, international relations and concerns of federal employees and retirees.

For Congressman Steny Hoyer, his continued the fine tradition as he that the people of the 14th District have come to expect. By using outstanding constituent services and working leadership on issues of importance to us all, he has earned the respect of both his voters in the Congress and the citizens of our county and state.

According to the Washington Magazine, Steny Hoyer is "one of our nation's 100 future leaders" and we agree.



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AHALT, JR.

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G.R. HOVEY
JOHNSON

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attaché Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November 1982, the Judge was an active trial attorney in the County. He lives with his wife, Joan, and their three children in Bowie.

"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials."

*Reprint by Authority
The Washington Post*

2/12

DEMOCRATIC PARTY

YOU MAY TAKE THIS INTO THE VOTING BOOTH
OFFICIAL DEMOCRATIC SAMPLE BALLOT
5th Congressional District

GENERAL ELECTION
Tuesday, November 6, 1984



PRINCE GEORGE'S COUNTY, MD.
Polls Open 7 a.m. to 8 p.m.

(S)2

Questions	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST
OFFICES								
Candidates								
LINE A								
Republican Candidates								
LINE B								
Libertarian Candidates								
LINE C								
Communist Candidates								
LINE D								
Workers Candidates								
LINE E								
Alliance Candidates								
LINE F								

**CONSTITUTIONAL AMENDMENT
PROPOSED CHARTER AMENDMENTS
BOND ISSUES**

NO POSITION HAS BEEN TAKEN ON UNMARKED QUESTIONS

**QUESTION NO. 1
CONSTITUTIONAL AMENDMENT**

Prohibits certain persons from entering upon the duties of or continuing to serve in a position also held by a related person as provided by or pursuant to the Maryland Constitution if the person was not a registered voter in the State on the date of the person's election or appointment to that office or if at any time thereafter and prior to the completion of the term, the person ceases to be a registered voter

FOR THE CONSTITUTIONAL AMENDMENT ☐

AGAINST THE CONSTITUTIONAL AMENDMENT ☐

**QUESTION A
PROPOSED CHARTER AMENDMENT**

To authorize the County real property tax levied on an alternative taxation of a maximum tax rate of 0.200 per cent of assessed valuation

FOR THE LOCAL CHARTER AMENDMENT ☒

AGAINST THE LOCAL CHARTER AMENDMENT ☐

**QUESTION B
PROPOSED CHARTER AMENDMENT**

To provide for the filing of a vacancy in the Office of County Executive

FOR THE LOCAL CHARTER AMENDMENT ☐

AGAINST THE LOCAL CHARTER AMENDMENT ☐

**QUESTION C
COUNTY BUILDINGS AND FACILITIES BONDS**

An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$2,500,000 to finance the design, construction, reconstruction, extension, improvement, replacement, alteration, renovation, replacement, rehabilitation or repair of County buildings and facilities as defined therein

FOR THE BOND ISSUE ☐

AGAINST THE BOND ISSUE ☐

**QUESTION D
FIRE AND RESCUE FACILITIES BONDS**

An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$2,500,000 to finance the design, construction, reconstruction, extension, improvement, replacement, alteration, renovation, replacement, rehabilitation or repair of fire and rescue facilities in the County as defined therein

FOR THE BOND ISSUE ☐

AGAINST THE BOND ISSUE ☐

**QUESTION E
HYATTSVILLE PARKING FACILITY BONDS**

An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$5,000,000 to finance the design, construction, reconstruction, extension, improvement, replacement, alteration, renovation, replacement, rehabilitation or repair of the Hyattsville Parking Facility as defined therein

FOR THE BOND ISSUE ☐

AGAINST THE BOND ISSUE ☐

**QUESTION F
ROADS AND BRIDGES**

An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$5,000,000 to finance the design, construction, reconstruction, extension, improvement, replacement, alteration, renovation, replacement, rehabilitation or repair of roads and bridges in the County as defined therein

FOR THE BOND ISSUE ☐

AGAINST THE BOND ISSUE ☐

8 6 0 4 0 5 7 3 6 3 4

(b)(2)

Board
District 1

1993-1994
1994-1995

1001	1002	1003	1004	1005
1006	1007	1008	1009	1010
1011	1012	1013	1014	1015

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 686-2707

DOUGLAS M. BREGMAN •
LAURENCE H. BERBERT •
LOREN B. MARK •

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

ADMITTED TO PRACTICE IN MD., D.C.

August 12, 1985

Charles N. Steele, Esquire
Kenneth A. Gross, Esquire
Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1887 - Response of the
Republican Candidate
Screening Committee

Dear Mr. Steele, Mr. Gross and Ms. White:

As you are aware, I represent James R. Pope and the Republican Candidates Screening Committee (hereafter "Screening Committee"). I have been authorized to respond to the "Complaint" which was originally filed by Mr. Marshall in a letter dated January 28, 1985. As to any factual matter stated herein, my client is prepared to submit supporting affidavits if necessary.

Let me begin by pointing out that it is not clear from the "Complaint" what, if any, violation of the Federal Election Campaign Act (hereinafter the "Act") is being alleged. In any event, it is clear based on the Act, Federal Elections Commission Regulations (hereinafter "Commission Regulations") and the facts that the Screening Committee does not come within the purview of the Act.

The Screening Committee was a local organization established solely for the purpose of developing and mailing a sample ballot to registered Republicans. A copy of that sample ballot is attached hereto and made a part of this response.

The contributions received by the Screening Committee in 1984 totalled \$2,445.23. This is supported by the state campaign finance report which the Screening Committee filed on October 29, 1984, a copy of which is attached hereto and made part of this response. The sole use of these funds was for creating and mailing the sample ballot.

Attachment 3(1)

36040573636

3 6 0 4 0 5 7 3 6 3 7

The Screening Committee was not a "political committee" as defined by the Commission Regulations, see 11 C.F.R. 100.5 (a) and (c), since the funds raised and expended by the Screening Committee were less than \$5,000.00 and were not "contributions" or "expenditures" within the purview of the Act. See 11 C.F.R. 100.7 (b)(9) and 100.8 (b)(10).

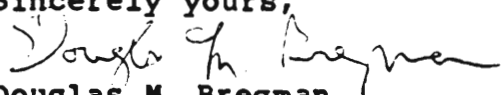
It should also be noted that the Screening Committee's sample ballot is exempt under the Commission's Regulations. The Regulations exempt sample ballots which "... promote three or more candidates for any public office ..." See 11 C.F.R. 100.7 (b)(a) and 100.8 (b)(10).

Further, since the Screening Committee was not a "political committee" and did not raise "contributions" or make "expenditures" as defined by Commission Regulations there was no need for the Screening Committee to file any federal report. Moreover, there was also no need to file any report as to the "federal" portion of the sample ballot since the Screening Committee was not a "political committee". See 11 C.F.R. 100.5 (c) and the third sentences of 11 C.F.R. 100.7 (:b)(9) and 100.8 (:b)(10) respectively.

If the Federal Elections Commission perceives some other basis for "Complaint", the Screening Committee would be pleased to provide additional response. However, at this stage the foregoing response and the attached items fully resolve any possible allegation stemming from Mr. Marshall's letter of January 28, 1985.

We look forward to a complete resolution of this matter.

Sincerely yours,


Douglas M. Bregman

DMB:pam
Enclosures

cc: Mr. Pope

Republican Candidate Screening Committee
11341 Frances Drive
Beltsville, Maryland 20705

**Republican Ballot
for
Primary Election
May 8, 1984**

**You May Take
This Ballot
Into the Voting
Booth With
You**

BULK RATE MAIL
U. S. POSTAGE
PAID
BELTSVILLE, MD.
PERMIT NO. 6070

3(3)

8 6 0 4 0 5 7 3 6 3 8

3(4)

REPUBLICAN BALLOT

OFFICES 

Republican Candidates

LINE F 

Republican Candidates

LINE G 

President of the
United States
(write name)



1 F
Ronald
Reagan
Calif. CA

PRIMARY ELECTION TUESDAY, MAY 8, 1984

\$500

\$1500

\$400

Rep. in
Congress
7th District
(write name)



1 F
John E.
Fitzhugh

Judge,
7th Judicial Circuit
(write name)



1 F
Arthur M. Brown
Abell, Jr.



1 G
U.S. House
Johnson

Delegates to The Republican National Convention
8th Congressional District
(write name and write from table)



1 F
Charles C.
Deegan



1 G
U.S. Senate
Nolan, Jr.



1 G
U.S. House
Lo Poca

Auth. Republican Candidate Screening Committee — James R. Pope, Treas.

8 6 0 4 0 5 7 3 6 2 9

Final Report

CAMPAIGN FUND REPORT
1984 ELECTIONS ONLY

IMPORTANT
READ INSTRUCTIONS ON BACK
BEFORE COMPLETING FORM

BOARD USE ONLY
Reg. No. BA-2216
10-26-84

FINAL

- (A) Republican Candidate Accounting Committee
Name of Candidate or Name of Committee as filed with election office Elective Office Elective District
- (B) Transactions from April 27, 19 84 through October 26, 19 84
- (C) Maryland National Jim Pope
Name of Bank or Depository Account Name Account Number
- (D) Type of Report
☐ 4-10-84 ☐ 11-27-84 ☐ Annual - 11-6-8
☐ 4-27-84 ☐ 5-6-85 ☐ Other
☒ 10-26-84 ☐ 11-6-85 ☒ Final Report

SUMMARY OF RECEIPTS AND DISBURSEMENTS

- (E) Cash Balance - Beginning of transaction period \$ 0
- (F) Receipts from Schedule 1: Column 4 \$ 2445.23
- (G) Receipts from Schedule 1A \$
- (H) Total Cash Available (Total lines E, F and G) \$ 2445.23
- (I) Disbursements from Schedule 2:
Column 4 \$ 2445.23
Column 5 \$
Column 6 \$
- (J) Total Disbursements \$ 2445.23
- (K) Cash Balance - End of transaction period \$
(Subtract line J from line H)
- (L) Total Outstanding Obligations from Schedule 3 \$
- (M) In-Kind Contributions from Schedule 4 (Column 4) \$

FAILURE TO PROVIDE ALL THE INFORMATION REQUIRED BY THIS FORM WILL BE
REGARDED AS A FAILURE TO FILE

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.

(If report of candidate, candidate and treasurer must sign report,
If report of committee, treasurer and chairman must sign report.)

- (S) _____
Signature of Candidate Printed Name Date
- (S) James R. Pope James R. Pope
Signature of Treasurer Printed Name Date
- (S) Barbara Richmond Barbara Richmond
Signature of Chairman Printed Name Date

BOARD USE ONLY
Reports must be time stamped
upon receipt

84 OCT 29 PM 12:24

RECEIVED

3(5) PM

86040573640

SCHEDULE N 1-CONTRIBUTIONS AND RECEIPTS

(EXCEPT TRANSFERS AND IN-KIND CONTRIBUTIONS)

(A) Name of candidate or committee Republican Candidate Nominating Committee(B) Report Period — Transactions from April 27, 1984 through October 26, 1984

(1)	(2)	(3)			(4)
DATE RECEIVED	COMPLETE NAME AND RESIDENCE ADDRESS OF PAYOR	Description of Receipt See Instructions for Code			AMOUNT
April 27 1984	The Committee to Reelect the Sitting Judges 5711 Aikentown Rd. CAMP SPRING, MD 20746	Code C	If ticket (T) Price per ticket \$	check cash	1500.00
		Aggregate amount received from Payor to Date: \$			
April 27 1984	Ritchie for Congress 320 Leibel Ave. Lanham, MD 20707	Code C	If ticket (T) Price per ticket \$	check cash	500.00
		Aggregate amount received from Payor to Date: \$			
June 20 1984	PC Delegate's for Eugene's Busch 4316 Knett St. Beltsville, MD 20705	Code C	If ticket (T) Price per ticket \$	check cash	400.00
		Aggregate amount received from Payor to Date: \$			
June 20, 1984	Jim Pepr 11341 Francis Dr. Beltsville, MD. 20705	Code C	If ticket (T) Price per ticket \$	check cash	45.00
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			
		Code	If ticket (T) Price per ticket \$	check cash	
		Aggregate amount received from Payor to Date: \$			

FAILURE TO PROVIDE ALL THE INFORMATION REQUIRED BY THIS FORM WILL BE REGARDED AS A FAILURE TO FILE.

TOTAL THIS PAGE

2445

3(6)

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

RECEIVED AT THE FEC
GCC# 8411
85 AUG 29 48:04

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

August 27, 1985

* ADMITTED TO PRACTICE IN MD., D.C.

Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: M.U.R. 1887-Supplemental Response
of Republican Candidate Screening
Committee

Dear Ms. White:

This letter will confirm the telephone conversation we had today. As I explained, my client has confirmed that the Republican Candidate Screening Committee was in no way connected with or controlled by any state or local party organization. As with other matters contained in our previous response, my client is fully willing to attest to the Committee's independent status if the Federal Election Commission feels that is necessary.

Should there be any further questions, please do not hesitate to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:

Loren B. Mark
Loren B. Mark

LBM:lmw

cc: Mr. Pope

3(7)

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7915 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 686-2707

DOUGLAS M. BREGMAN •
LAURENCE H. BERBERT •
LOREN B. MARK •

OF COUNSEL
RODERICK H. ANGUS

ADMITTED TO PRACTICE IN VA., D.C.

• ADMITTED TO PRACTICE IN MD., D.C.

August 12, 1985

Charles N. Steele, Esquire
Kenneth A. Gross, Esquire
Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1887 - Response of the
Committee to Elect Sitting
Judges

Dear Mr. Steele, Mr. Gross and Ms. White:

As you are aware, I represent Ralph W. Powers and the Committee to Elect Sitting Judges (hereinafter referred to as "Sitting Judges"). I have been authorized to respond to the "Complaint" which was originally filed by Mr. Marshall in a letter dated January 28, 1985.

In addition to this response, I direct your attention to my response for the Prince George's County Democratic Central Committee dated March 1, 1985. Also, as to any factual matter, I am prepared to submit supporting affidavits if necessary.

While it is unclear what conduct is being challenged, the issues seem to revolve around two separate matters involving the Sitting Judges. First, Mr. Marshall's letter makes reference to a \$1,500.00 contribution made by the Sitting Judges to the Republican Candidates Screening Committee (hereinafter referred to as "Screening Committee") for the June, 1984 primary. Second, there is some question regarding the Sitting Judges' participation in the printing and distribution of a sample ballot for the November, 1984 general election. As will be explained, neither of these matters involved any conduct which was in violation of the Federal Election Campaign Act (hereinafter referred to as the "Act").

First, as to the \$1,500.00 given to the Screening Committee, that donation was made with the intention that it be used specifically for influencing the judicial elections. According to the Election Commission Regulations (hereinafter "Regulations") a contribution is not a contribution within the meaning of the Act unless it is made "... for the purpose of influencing any election for federal office ..." 11 C.F.R. 100.7 (a)(1). It seems clear that a contribution given solely for the

Attachment 4(1)

purpose of promoting the election of local judges (i.e., nonfederal candidates) does not come within the purview of the Act. Therefore, there was no impropriety on the part of the Sitting Judges regarding the \$1,500.00 which was given to the Screening Committee.

Secondly, Mr. Marshall's letter questions the Sitting Judges' participation in the printing and mailing of a sample ballot which promoted both federal and nonfederal candidates for the November, 1984 election. A copy of that sample ballot is attached for your review.

The cost of printing and mailing the sample ballot was split equally among the Sitting Judges, the Prince George's County Democratic Committee and Hoyer for Congress. The methods of allocation and reporting were used based on recommendations and advice from Mr. Todd Johnson of the Federal Election Commission staff.

The three-way split represented a reasonable apportionment between the portion on the sample ballot which promoted nonfederal candidates and the portion which promoted Federal candidates. Based on this apportionment two-thirds of the expenditures were designated for federal candidates and paid for from funds raised in accordance with the Act; and one-third was allocated for nonfederal use and paid for from the Sitting Judges' funds.

According to the Regulations it appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment of expenditure between federal and nonfederal candidates is reasonable. See 11 C.F.R. 100.8 (b)(10), 104.10 and 106.1(a).

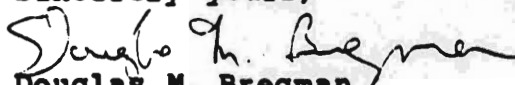
Since the expenditure was for a part of the ballot reasonably connected to the promotion of nonfederal candidates there is no reporting requirement as to the parts of the ballot connected with federal candidates. This is especially true in light of the fact that two-thirds of the total cost was paid for by other committees. Moreover, as already noted, that two-thirds was expended from funds which had been raised in accordance with the Act.

The Sitting Judges expended funds for the sample ballot in direct proportion to the amount of benefit received by their local (i.e., nonfederal) candidates. As such, this conduct was not in any way inconsistent with the Act. And, as already noted, the procedures used to allocate the cost of that sample ballot, as well as the reporting procedures, were those recommended by a member of your staff.

Based on the foregoing, no contribution or expenditure was made by the Sitting Judges in violation of the Act. I have enclosed copies of the checks issued by the Sitting Judges to pay for their portion of the sample ballot (i.e., printing and mailing). To the best of respondent's knowledge, the Sitting Judges have, in good faith, sought to comply with and fulfill all campaign requirements be they state or federal in nature. Should, however, the Commission determine that there are additional issues which have not been addressed in this response, the Sitting Judges would be pleased to provide further response and documentation upon request.

I look forward to a rapid resolution of MUR 1887. Should you have any questions, please feel free to call me directly.

Sincerely yours,


Douglas M. Bregman

DMB:pam
Enclosures

8 6 0 4 0 5 7 3 6 4 5

Our two very qualified and able jurists, Circuit Court Judges Monty Ahalt and Hovey Johnson, are seeking to be returned to their positions. I fully support their efforts and urge you to vote for them on Election Day.

STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER 2A

SITTING JUDGES — CIRCUIT COURT

MR. M. MONTY
AHALT, JR. 9A

G.R. HOVEY
JOHNSON 10A

VOTE DEMOCRATIC
INTEGRITY

EXPERIENCE

PULL LEVERS

THE SMITH FAMILY
6122 85TH PL
NEW CARROLLTON MD 20784

20-02

HEADQUARTERS:
PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102



DEMOCRATIC
SAMPLE BALLOT



MONDALE



for America

FERRARO 1A



VOTE DEMOCRATIC
QUALITY

LEADERSHIP



GENERAL ELECTION

Tuesday, November 6, 1984

PAID FOR BY: Gary R. Alexander, Chairman, Prince George's County Democratic Central Committee
Charles L. Armentrout, Treasurer, Prince George's County Democratic Central Committee
James C. Rosapepe, Treasurer, Prince George's Democratic Central Committee — Federal
William I. Garner, Jr., Treasurer, Hoyer for Congress

BULK RATE
US POSTAGE
PERMIT NO. 8
RIVERDALE

9 4 9 2 7 3 0 4

U.S. CONGRESS



STENY H.
HOYER

Congressman Steny Hoyer is one of Maryland's most energetic and active political leaders.

A resident of Berkshire, he is married to the former Judith E. Pickett and has three daughters, Susan, Stefany and Anne. Hoyer is a graduate of the University of Maryland, Georgetown Law School, and served as a U.S. Senator from Prince George's County for twelve years — four years as President of the Maryland Senate, the youngest ever elected.

He has represented Maryland's Fifth District in Congress since May, 1981, and serves as a member of the House Appropriations Committee, the first Prince Georgian since 1895 to be appointed to this prestigious and powerful post, where he serves his constituents on issues ranging from education, health, national defense, international relations and concerns of federal employees and retirees.

Our Congressman, Steny Hoyer, has continued the fine tradition in which the people of the Fifth District have come to expect. By providing outstanding constituent services and exerting leadership on issues of importance to us all, he has earned the respect of both his colleagues in the Congress and the citizens of our county and state.

According to the Washington Magazine, Steny Hoyer is "one of our nation's 100 future leaders" — and we agree.

7th JUDICIAL CIRCUIT



ARTHUR M. "MONTY"
AHALT, JR.

Judge Arthur M. Monty Ahalt, Jr. has been at the core of Prince George's County events since birth. Raised in College Park and educated in the County school system, Judge Ahalt graduated from the University of Maryland and obtained his Juris Doctor from American University. Intensely involved in professional, community and family life, Judge Ahalt is quite at home on a basketball court or soccer field where he regularly coaches young people. Prior to his appointment to the bench in February 1982, Judge Ahalt was an active trial attorney for 15 years. He is a former president of the County Bar Association and currently is an elder in his Presbyterian Church. He lives with his wife, Sandra, and their three children in Mitchellville.



G.R. HOVEY
JOHNSON

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attache Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November 1982, the Judge was an active trial attorney in the County. He lives with his wife, Joan, and their three children in Bowie.

"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials..."

Reprint by Authority
The Washington Post

4(s)h



3 6 0 4 0 5 7 3 6 4 7

ॐ

PRINCE GEORGE'S COUNTY, MD.
Polls Open 7 a.m. to 8 p.m.

QUESTION 8
PROPOSED CHARTER AMENDMENT

(L7)H

School Board District 1

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

01 01 02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

These candidates' names will appear on the machine ballot in your polling place

19A John A. Eugene
20A Mary Ellen Jenkins

School Board District 3

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

17 01 17 02 17 03 17 04 17 05 17 06 17 07 17 08 17 09 17 10 17 11 17 12 17 13 17 14 17 15 19 03

These candidates' names will appear on the machine ballot in your polling place

19A Catherine M. Burch

School Board District 4

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

02 01 02 02 02 03 02 04 02 05 02 06 02 07 02 08 02 09 16 01 16 02 19 04 20 01 20 02 20 03 20 05 20 06 20 07 20 09

These candidates' names will appear on the machine ballot in your polling place

19A Thomas R. Hendershot
20A William J. McEwen

School Board District 6

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

13 01 13 02 13 03 13 04 13 05 18 01 18 02 18 03 18 04 18 05 18 06 18 07 18 08 20 04 20 08

These candidates' names will appear on the machine ballot in your polling place

19A Barbara Fletcher Martin
20A John R. Rosser

School Board District 7

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

06 01 06 03 06 04 06 05 06 06 06 07 06 10 06 11 06 12 06 15 06 16 06 17 06 18

These candidates' names will appear on the machine ballot in your polling place

19A John H. Francis
20A Sarah J. Johnson

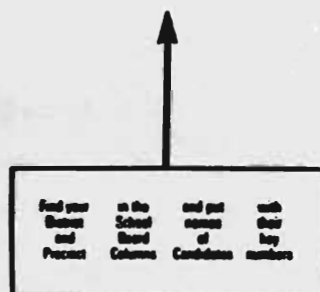
School Board District 9

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING

04 01 05 01 05 02 05 03 05 04 05 05 06 02 08 01 09 01 09 02 09 03 09 04 09 05 09 06 11 01 11 02

These candidates' names will appear on the machine ballot in your polling place

19A Marcy Caravan
20A Norman H. Saunders



**QUALITY
LEADERSHIP**

(EXAMPLE)
FIND YOUR DISTRICT AND
PRECINCT IN ONE OF THE
SCHOOL BOARD COLUMNS

School Board
District

IF YOUR DISTRICT AND
PRECINCT IS ONE OF THE
FOLLOWING

01 01 01 02 01 03 01 04 01 05 10 01
10 02 10 03 10 04 10 05 10 06
10 07 10 08 10 09 10 10 10 11 17 10
17 11 17 12 21 05 21 14

These candidates names will
appear on the machine ballot
in your polling place

1A John JONES
2A Mary SMITH

PLACE
THESE
NAMES
WITH
THEIR
KEY
NUMBERS

1-A Board of Education
1A JONES
2A SMITH

VOTE DEMOCRATIC



FOR QUICK ACCURATE VOTING

1A MONDALE • FERRARO

2A HOYER

9A AHALT

10A JOHNSON

**VOTE YES
ON QUESTION A**

**INTEGRITY
EXPERIENCE**

6 4 9 3 7 5 0 4 0 6 8

COMMITTEE TO ELECT SITTING JUDGES
7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

175

October 17, 1984

PAY TO THE ORDER OF Guthrie L. Shoraph, Inc. 10-22-84 004 01 0554 205586249

Five Thousand Three Hundred and 33/100 DOLLARS

Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR Private share of sample ballot

⑈000175⑈ ⑈055003269⑈ 0307363701⑈ ⑈0000503333⑈

COMMITTEE TO ELECT SITTING JUDGES
7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

193

10/30/84

PAY TO THE ORDER OF Postmaster, Riverside 10-31-84 01 0546 333333333 3,394.38

Three Thousand Three Hundred Ninety-Four & 38/100 DOLLARS

Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR Bulk-rate permit # 5026

Sample ballots ⑈000193⑈ ⑈055003269⑈ 0307363701⑈ ⑈0000339438⑈

COMMITTEE TO ELECT SITTING JUDGES
7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

157

5/30/84

PAY TO THE ORDER OF The Mail Bag 05-31-84 004 18 0550 444444444 229.12

Two Hundred Twenty-Nine & 12/100 DOLLARS

Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR Order # 13625

⑈000157⑈ ⑈055003269⑈ 0307363701⑈ ⑈0000022500⑈

COMMITTEE TO ELECT SITTING JUDGES
7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

181

10/24/84

PAY TO THE ORDER OF Merkle Computer Systems, Inc. 10-24-84 01 0546 641.37

Six Hundred Forty-One & 37/100 DOLLARS

Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR Labels 1/3 share of cost

⑈000181⑈ ⑈055003269⑈ 0307363701⑈ ⑈0000064137⑈

36040573650

4(8)



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

Douglas M. Bregman, Esquire
The Air Rights Building
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

RE: MUR 1887
Prince George's County Democratic
Central Committee;
Prince George's Democratic
Committee-Federal;
Committee to Elect Sitting Judges;
James Rosapepe, as treasurer;
Ralph W. Powers, as treasurer;
Republican Candidate Screening
Committee;
James R. Pope, as treasurer

Dear Mr. Bregman:

The Federal Election Commission notified your clients of a complaint which was filed on January 28, 1985, alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was subsequently forwarded to your clients.

Upon further review of the allegations contained in the complaint and information supplied by your clients, the Commission determined on , 1985, to find no reason to believe the Prince George's County Democratic Central Committee, or its federal account, the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. §§ 441d and 441a, and 11 C.F.R. § 110.7. In addition, the Commission determined that there is reason to believe the Prince George's Democratic Committee-Federal and James Rosapepe, as treasurer, violated 2 U.S.C. § 434(b)(5)(A) and 11 C.F.R. § 104.3(b)(3)(ix) by failing to itemize disbursements to: Postmaster--Riverdale (\$3,394.37) on October 30, 1981; Merkle Computer Systems, Inc. (\$641.37) on October 22, 1984; Guthrie Lithographs (\$5,033.33) on October 15, 1984; and, the Mail Bag (\$523.20) on December 28, 1984. Political committees are required, pursuant to 11 C.F.R. § 104.3(b)(3)(ix) to report the name and address of each person who has received any disbursement

Attachment 5(1)

within the reporting period to whom the aggregate amount or value of disbursements made by the reporting committee exceeds \$200 within the calendar year, together with the date, amount, and purpose of any such disbursement.

With respect to the Republican Candidate Screening Committee and James R. Pope, as treasurer, the Commission determined to find reason to believe your clients violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 102.5(b) by making a prohibited expenditure through an improper allocation of expenses related to a Republican sample ballot. The Commission also found reason to believe the Republican Candidate Screening Committee and James R. Pope, as treasurer, violated 2 U.S.C. § 441d, but determined to take no further action with respect to the failure to include disclaimer information on the sample ballot.

As to the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer, the Commission determined to find no reason to believe they violated 2 U.S.C. § 441b(a) and 441d in connection with the Democratic sample ballot. Furthermore, concerning the Republican sample ballot, the Commission determined to take no action against the Committee to Elect Sitting Judges and Ralph W. Powers, as treasurer.

You may submit any factual or legal materials that you believe are relevant to the Commission's analysis of this matter. Please file any such response within fifteen days of your receipt of this notification.

If you are interested in pursuing pre-probable cause conciliation you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent will not be entertained.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause

must be demonstrated. In addition, the Office of General Counsel is not authorized to give extensions beyond 20 days.

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 your client wishes the matter to be made public.

If you have any questions, please contact Maura White, the staff member assigned to this matter, at (202) 523-4143.

Sincerely,

John Warren McGarry
Chairman

Enclosures
Procedures

3 6 0 4 0 5 7 3 6 5 3

S(3)

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

* ADMITTED TO PRACTICE IN MD., D.C.

RECEIVED AT THE FEC
GCC# 8411
85 AUG 29 4:04

OF COUNSEL
RODERICK H. ANGUS

ADMITTED TO PRACTICE IN VA., D.C.

August 27, 1985

Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: M.U.R. 1887-Supplemental Response
of Republican Candidate Screening
Committee

Dear Ms. White:

This letter will confirm the telephone conversation we had today. As I explained, my client has confirmed that the Republican Candidate Screening Committee was in no way connected with or controlled by any state or local party organization. As with other matters contained in our previous response, my client is fully willing to attest to the Committee's independent status if the Federal Election Commission feels that is necessary.

Should there be any further questions, please do not hesitate to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:

Loren B. Mark
Loren B. Mark

LBM:lmw

cc: Mr. Pope

36040573651

GLAS M. BREGMAN, P.A.

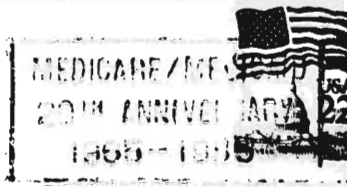
ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

THESDA, MARYLAND 20814



Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

85 AUG 20 18:04

FEC

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DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

August 27, 1985

* ADMITTED TO PRACTICE IN MD., D.C.

RECEIVED AT THE FEC.
GCC#8410
85 AUG 29 48:07

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: M.U.R. 1887-
Supplemental Response of
The Prince George's County
Democratic Central Committee

Dear Ms. White:

This letter will confirm the information which I provided when we spoke by telephone today. I have also enclosed the following: 1) Copies of both variation of the sample ballot for the November 6, 1984 general election and 2) Copies of the check issued by the Prince George's County Democratic Committee, from their Federal Account, for their one third (1/3) portion of the sample ballot expenses.

As I explained when we spoke, the sample ballot came in two variations. One had a picture of Mondale and Ferrarro on the front while the other carried a picture of Congressman Hoyer and Jesse Jackson. These two variations were all contained within the same printing and mailing expenditures as apportional between the three involved organizations. Also, as noted, the enclosed check copies will substantiate that the one-third (1/3) paid by the Prince George's County Democratic Committee did come from appropriate federal funds to cover the federal protion of the sample ballot.

My client is prepared to attest to any matters contained in this supplement, as well as matter contained in its initial response dated March 1, 1985. If there are any further questions, please feel free to contact me directly.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By: 

Loren B. Mark

LBM:lmw
Enclosure

cc: Mr. Alexander and Ms. Kranswick

86040573656

For Deposit Only
U.S. Postal Service
MSC Prince Georges, MD 20795

Unit ID 196

Acct. # 35 0114 2 5 6 7 3 1

Identification Type
PAID
NO 8 02

NO 84 02
PAID

65-296

106 188 12 12 10 78 88

**PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT**

8507 RED WING LANE
LANHAM, MD 20708

1004

Oct. 30 19 81

65-296
650

PAY TO THE
ORDER OF

Postmaster - Riverdale

\$ 3394.37

Three Thousand Three Hundred Ninety Four and 37/100 DOLLARS



**Citizens Bank
Of Maryland**
RIVERDALE, MD. 20737

MEMO POSTAGE - BALLOTS PERMIT 5826

[Signature]

⑆055002969⑆010 5197⑈000⑈004 ⑆0000339437⑆

**PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT**

8507 RED WING LANE
LANHAM, MD 20708

1003

October 22 19 84

65-296
650

PAY TO THE
ORDER OF

Merkle Computer Systems, Inc.

\$ 641.37

Six Hundred Forty One and 37/100 DOLLARS



**Citizens Bank
Of Maryland**
RIVERDALE, MD. 20737

MEMO Labels, etc.

[Signature]

⑆055002969⑆010 5197⑈000⑈003

FOR DEPOSIT ONLY
MERKLE COMPUTER SYSTEMS, INC.

222 01504

PTC PAY BANK
1001 1001 1001
65-127 MD 65-129

001 25 74

01 84 26
BALTIMORE
05200610

01 - 26
PAID

65-296

PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT

8507 RED WING LANE
LANHAM, MD 20706

October 15 1984

1002

65-293
650

PAY TO THE ORDER OF Gutherine Lithograph Co., Inc.

\$ 5,033.33

Five Thousand Thirty Three and 33/100-----DOLLARS



Citizens Bank
Of Maryland
RIVERDALE, MD 20737

MEMO 1/3 Ballot Exp.

⑆055002969⑆010 5197⑈000⑈1002 ⑈0000503333⑈

3 5 0 4 0 5 7 1 2
FOUR DEPOSIT
ACCOUNT
GUTHRIE LITHOGRAPH CO., INC.
1088 04 13 WASHINGTON DC
15-7 15-7
OCT 17 94

65-293

PAID

OT - 17

86040573659

948

PAY TO THE ORDER OF
NSBT BANK
WASHINGTON
15-52
07

PAY TO THE ORDER OF
NSBT BANK
FOLIO POST ONLY
THE MAIL BAG, INC.
D 183 10303 787

**PRINCE GEORGES DEMOCRATIC
COMMITTEE FEDERAL ACCOUNT**

8507 RED WING LANE
LANHAM, MD 20708

December 28, 1984

1007

65-2961
650

PAY TO THE ORDER OF The Mail Bag \$ 523.20

Five Hundred Twenty Three and 20/100 DOLLARS



Citizens Bank
Of Maryland
RIVERDALE, MD 20737

NSBT BANK

1051100150

1/3 of Inv. #14927 A&B

MEMO

00550029690010 519700000007 0000052320

Our two very qualified and able jurists, Circuit Court Judges Monty Ahalt and Hovey Johnson, are seeking to be returned to their positions. I fully support their efforts and urge you to vote for them on Election Day.

STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER 2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. HOVET
AHALT, JR. 9A

G.R. HOVEY
JOHNSON 18A

VOTE DEMOCRATIC
INTEGRITY

EXPERIENCE

PULL LEVERS 1A 2A 9A 18A
VOTE YES ON QUESTION A

HEADQUARTERS:
PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102

DEMOCRATIC SAMPLE BALLOT

MONDALE

for America

FERRARO



Congressman Steny Hoyer and Rev. Jesse Jackson

VOTE DEMOCRATIC

this race is not only about electing a President, it is also about electing state and local officials on every level from tax assessor, to your congressional representative

REV. JESSE JACKSON

Opening Ceremony of Democratic Party Headquarters, Kettling Shopping Center
Authority: National Rainbow Coalition, Inc.

GENERAL ELECTION
Tuesday, November 6, 1984

PAID FOR BY: Gary R. Alexander, Chairman, Prince George's County Democratic Central Committee
Charles I. Ammend, Treasurer, Prince George's County Democratic Central Committee
James C. Resavage, Treasurer, Prince George's Democratic Central Committee
William J. Garner, Jr., Treasurer, Hoyer for Congress
Ralph W. Powers, Jr., Treasurer, The Committee to Elect the Sitting Judges
Not Authorized by Any Other Committee

BULK RATE
US POSTAGE PAID
PERMIT NO. 520
RIVERDALE, MD

8 6 0 4 0 3 7 2 6 9 0

DEMOCRATIC PARTY

U.S. CONGRESS

7th JUDICIAL CIRCUIT



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HOYER

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A resident of Bethesda, he is married to the former Judith E. Pickens and has three daughters: Susan, Stefany and Anna. Hoyer is a graduate of the University of Maryland, Georgetown Law School, and served as a life Senator from Prince George's County for twelve years — four as President of the Maryland Senate, the youngest ever elected. He has represented Maryland's Fifth District in Congress since May, 81, and serves as a member of the House Appropriations Committee, the first Prince Georgian since 1895 to be appointed to this prestigious and powerful post, where he serves his constituents on issues relating to education, health, national defense, international relations and concerns of federal employees and retirees.

Our Congressman, Steny Hoyer, has continued the fine tradition in Maryland that the people of the Fifth District have come to expect. By providing outstanding constituent services and exerting leadership on issues of importance to us all, he has earned the respect of both his colleagues in the Congress and the citizens of our county and state.

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JOHNSON

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"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials."

*Reprint by Authority
The Washington Post*

YOU MAY TAKE THIS INTO THE VOTING BOOTH
OFFICIAL DEMOCRATIC SAMPLE BALLOT
5th Congressional District

GENERAL ELECTION
Tuesday, November 6, 1984

PRINCE GEORGE'S COUNTY, MD.
Polls Open 7 a.m. to 8 p.m.

[illegible]

3 6 0 4 0 5 7 3 6 6 2

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STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER

2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. MONTY
ABALT, JR.

9A

G.R. HOVEY
JOHNSON

10A

**VOTE DEMOCRATIC
INTEGRITY**

EXPERIENCE

PULL LEVERS
VOTE YES ON QUESTION A

1A 2A 9A 10A

THE SPITH FAMILY
6122 85TH PL
NFT CARROLLTON MD 20784

20-02

HEADQUARTERS:
PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10864 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350 9102

DEMOCRATIC SAMPLE BALLOT

MONDALE

for America

FERRARO

1A



**VOTE DEMOCRATIC
QUALITY
LEADERSHIP**

GENERAL ELECTION

Tuesday, November 6, 1984

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James C. Anselope, Treasurer, Prince George's Democratic Central Committee - 1st District
William I. Garner, Jr., Treasurer, Hoyer for Congress
Ralph W. Powers, Jr., Treasurer, The Committee to Elect the Sitting Judges
Not Authorized by Any Other Committee

BULK RATE
US POSTAGE PAID
PERMIT NO. 820
RIVERDALE, MD

8 6 0 4 0 5 7 3 6 6 4

DEMOCRATIC PARTY

U.S. CONGRESS



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G.R. HOVEY
JOHNSON

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attache Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November, 1982, the Judge was an active trial attorney in the County. He lives with his wife, Joan, and their three children in Bowie.

"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials."

Reprint by Authority
The Washington Post

YOU MAY TAKE THIS INTO THE VOTING BOOTH
OFFICIAL DEMOCRATIC SAMPLE BALLOT
5th Congressional District

GENERAL ELECTION
Tuesday, November 6, 1984

PRINCE GEORGE'S COUNTY, MD.
Polls Open 7 a.m. to 8 p.m.

[illegible]

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QUALITY LEADERSHIP

Find your name in the list and put a check mark in the box.
Print your name in the box.
Print your address in the box.
Print your telephone number in the box.



INTEGRITY EXPERIENCE

1. Find your district and precinct in one of the school board columns.

2. Place the numbers in the boxes with the key.

3. Mark your choice with a check mark.

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10A JOHNSON
9A AVALT
2A HOVER
1A MONDLE • FERNANDO

VOTE YES ON QUESTION A

FOR QUICK ACCURATE VOTING



VOTE DEMOCRATIC

DOUGLAS M. BREGMAN, P.A.

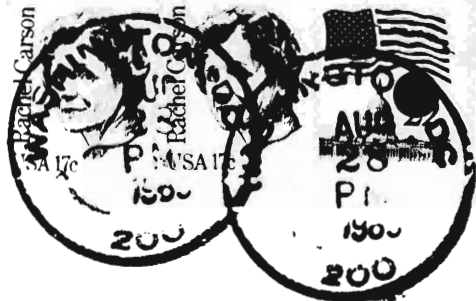
ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814



Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

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AT THE FEE

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

* ADMITTED TO PRACTICE IN MD., D.C.

RECEIVED AT THE F.B.I.
600#8290
85 AUG 13 AM 11:05

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

August 12, 1985

Charles N. Steele, Esquire
Kenneth A. Gross, Esquire
Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1887

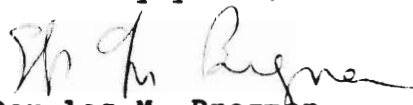
Dear Ms. White:

Enclosed please find the separate responses of the Committee to Elect Sitting Judges and the Republican Candidate Screening Committee regarding the above referenced matter.

Based on your telephone conversation with my Associate, Loren Mark, I understand that the Commission will consider their responses as being filed timely since they are sent by certified mail today.

Thank you for your assistance and cooperation.

Sincerely yours,


Douglas M. Bregman

DMB:pam
Enclosures

86040573669

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
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OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

August 12, 1985

Charles N. Steele, Esquire
Kenneth A. Gross, Esquire
Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1887 - Response of the
Republican Candidate
Screening Committee

Dear Mr. Steele, Mr. Gross and Ms. White:

As you are aware, I represent James R. Pope and the Republican Candidates Screening Committee (hereafter "Screening Committee"). I have been authorized to respond to the "Complaint" which was originally filed by Mr. Marshall in a letter dated January 28, 1985. As to any factual matter stated herein, my client is prepared to submit supporting affidavits if necessary.

Let me begin by pointing out that it is not clear from the "Complaint" what, if any, violation of the Federal Election Campaign Act (hereinafter the "Act") is being alleged. In any event, it is clear based on the Act, Federal Elections Commission Regulations (hereinafter "Commission Regulations") and the facts that the Screening Committee does not come within the purview of the Act.

The Screening Committee was a local organization established solely for the purpose of developing and mailing a sample ballot to registered Republicans. A copy of that sample ballot is attached hereto and made a part of this response.

The contributions received by the Screening Committee in 1984 totalled \$2,445.23. This is supported by the state campaign finance report which the Screening Committee filed on October 29, 1984, a copy of which is attached hereto and made part of this response. The sole use of these funds was for creating and mailing the sample ballot.

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The Screening Committee was not a "political committee" as defined by the Commission Regulations, see 11 C.F.R. 100.5 (a) and (c), since the funds raised and expended by the Screening Committee were less than \$5,000.00 and were not "contributions" or "expenditures" within the purview of the Act. See 11 C.F.R. 100.7 (b)(9) and 100.8 (b)(10).

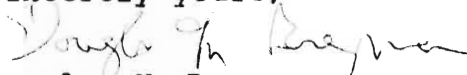
It should also be noted that the Screening Committee's sample ballot is exempt under the Commission's Regulations. The Regulations exempt sample ballots which "... promote three or more candidates for any public office ..." See 11 C.F.R. 100.7 (b)(a) and 100.8 (b)(10).

Further, since the Screening Committee was not a "political committee" and did not raise "contributions" or make "expenditures" as defined by Commission Regulations there was no need for the Screening Committee to file any federal report. Moreover, there was also no need to file any report as to the "federal" portion of the sample ballot since the Screening Committee was not a "political committee". See 11 C.F.R. 100.5 (c) and the third sentences of 11 C.F.R. 100.7 (:b)(9) and 100.8 (:b)(10) respectively.

If the Federal Elections Commission perceives some other basis for "Complaint", the Screening Committee would be pleased to provide additional response. However, at this stage the foregoing response and the attached items fully resolve any possible allegation stemming from Mr. Marshall's letter of January 28, 1985.

We look forward to a complete resolution of this matter.

Sincerely yours,


Douglas M. Bregman

DMB:pam
Enclosures

cc: Mr. Pope

Republican Candidate Screening Committee
11341 Frances Drive
Beltsville, Maryland 20705

BULK RATE MAIL
U S POSTAGE
PAID
BELTSVILLE, MD
PERMIT NO. 6070

**Republican Ballot
for
Primary Election
May 8, 1984**

You May Take
This Ballot
Into the Voting
Booth With
You

8 6 0 4 0 5 7 3 6 7 2

REPUBLICAN BALLOT

PRIMARY ELECTION TUESDAY, MAY 8, 1984

OFFICES

Republican Candidates

LINE F 

Republican Candidates

LINE G 

President of the
United States
(VOTE FOR ONE)



1 P
Ronald
Reagan
Santa, CA

4
Rep. in
Congress
4th District
(VOTE FOR ONE)



4 P
John E.
Ritchie

5
Judge,
7th Judicial Circuit
(VOTE FOR TWO)



5 P
Arthur M. Iverson
Abolt, Jr.

9 10
Delegates to The Republican National Convention
8th Congressional District
(VOTE FOR NO MORE THAN THREE)



9 P
Charles C.
Deegan



5 G
G. R. Henry
Johnson



9 G
Lawrence J.
Hogan, Jr.



10 G
Raymond G.
LaPlace

Auth. Republican Candidate Screening Committee — James R. Pope, Treas.

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Final Report

CAMPAIGN FUND REPORT
1984 ELECTIONS ONLY

IMPORTANT
READ INSTRUCTIONS ON BACK
BEFORE COMPLETING FORM

BOARD USE ONLY
Reg. No. BA-2216
10-26-84

FINAL

- (A) Republican Candidate Accounting Committee
Name of Candidate or Name of Committee Elective Office Elective District
as filed with election office
- (B) Transactions from April 27, 19 84 Through October 26, 19 84
- (C) Maryland National Jim Pope
Name of Bank or Depository Account Name Account Number
- (D) Type of Report
☐ 4-10-84 ☐ 11-27-84 ☐ Annual - 11-6-8
☐ 4-27-84 ☐ 5-6-85 ☐ Other
☒ 10-26-84 ☐ 11-6-85 ☒ Final Report

SUMMARY OF RECEIPTS AND DISBURSEMENTS

- (E) Cash Balance - Beginning of transaction period \$ 0
- (F) Receipts from Schedule 1: Column 4 \$ 2445.23
- (G) Receipts from Schedule 1A \$
- (H) Total Cash Available (Total lines E, F and G) \$ 2445.23
- (I) Disbursements from Schedule 2:
Column 4 \$ 2445.23
Column 5 \$
Column 6 \$
- (J) Total Disbursements \$ 2445.23
- (K) Cash Balance - End of transaction period \$
(Subtract line J from line H)
- (L) Total Outstanding Obligations from Schedule 3 \$
- (M) In-Kind Contributions from Schedule 4 (Column 4) \$

FAILURE TO PROVIDE ALL THE INFORMATION REQUIRED BY THIS FORM WILL BE
REGARDED AS A FAILURE TO FILE

Under penalty of perjury, I declare that I have examined this report, including accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete.

(If report of candidate, candidate and treasurer must sign report,
If report of committee, treasurer and chairman must sign report.)

- (S) _____
Signature of Candidate Printed Name Date
- (S) James R. Pope James R. Pope
Signature of Treasurer Printed Name Date
- (S) Barbara Richmond Barbara Richmond
Signature of Chairman Printed Name Date

BOARD USE ONLY
Reports must be time stamped
upon receipt

84 OCT 29 P 1:24

RECEIVED

PM

Final Report

SCHEDULE NO. 1—CONTRIBUTIONS AND RECEIPTS

(EXCEPT TRANSFERS AND IN-KIND CONTRIBUTIONS)

(A) Name of candidate or committee Republican Candidate Screening Committee

(B) Report Period—Transactions from April 27, 1984 through October 26, 1984

(1)	(2)	(3)				(4)
DATE RECEIVED	COMPLETE NAME AND RESIDENCE ADDRESS OF PAYOR	Description of Receipt See Instructions for Code				AMOUNT
April 27 1984	The Committee to Retain the Sitting Judges 5711 Allentown Rd. CAMP SPRING, MD 20746	Code C	If ticket (T) Price per ticket \$	check		1500.00
		Aggregate amount received from Payor to Date: \$				
April 27 1984	Ritchie for Congress 320 Lantier Ave. Lanham, MD 20707	Code C	If ticket (T) Price per ticket \$	check		500.00
		Aggregate amount received from Payor to Date: \$				
June 20 1984	PC Delegates for Reagan & Bush 4316 Knett St. Beltsville, MD. 20705	Code C	If ticket (T) Price per ticket \$	check		400.00
		Aggregate amount received from Payor to Date: \$				
June 20, 1984	Jim Pope 11341 Francis Dr. Beltsville, MD. 20705	Code C	If ticket (T) Price per ticket \$	check		45.25
		Aggregate amount received from Payor to Date: \$				
		Code	If ticket (T) Price per ticket \$	check		
		Aggregate amount received from Payor to Date: \$				
		Code	If ticket (T) Price per ticket \$	check		
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		Code	If ticket (T) Price per ticket \$	check		
		Aggregate amount received from Payor to Date: \$				

FAILURE TO PROVIDE ALL THE INFORMATION REQUIRED BY THIS FORM WILL BE REGARDED AS A FAILURE TO FILE.

TOTAL THIS PAGE

2445.25

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 856-2707

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

August 12, 1985

Charles N. Steele, Esquire
Kenneth A. Gross, Esquire
Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1887 - Response of the
Committee to Elect Sitting
Judges

Dear Mr. Steele, Mr. Gross and Ms. White:

As you are aware, I represent Ralph W. Powers and the Committee to Elect Sitting Judges (hereinafter referred to as "Sitting Judges"). I have been authorized to respond to the "Complaint" which was originally filed by Mr. Marshall in a letter dated January 28, 1985.

In addition to this response, I direct your attention to my response for the Prince George's County Democratic Central Committee dated March 1, 1985. Also, as to any factual matter, I am prepared to submit supporting affidavits if necessary.

While it is unclear what conduct is being challenged, the issues seem to revolve around two separate matters involving the Sitting Judges. First, Mr. Marshall's letter makes reference to a \$1,500.00 contribution made by the Sitting Judges to the Republican Candidates Screening Committee (hereinafter referred to as "Screening Committee") for the June, 1984 primary. Second, there is some question regarding the Sitting Judges' participation in the printing and distribution of a sample ballot for the November, 1984 general election. As will be explained, neither of these matters involved any conduct which was in violation of the Federal Election Campaign Act (hereinafter referred to as the "Act").

First, as to the \$1,500.00 given to the Screening Committee, that donation was made with the intention that it be used specifically for influencing the judicial elections. According to the Election Commission Regulations (hereinafter "Regulations") a contribution is not a contribution within the meaning of the Act unless it is made "... for the purpose of influencing any election for federal office ..." 11 C.F.R. 100.7 (a)(1). It seems clear that a contribution given solely for the

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purpose of promoting the election of local judges (i.e., nonfederal candidates) does not come within the purview of the Act. Therefore, there was no impropriety on the part of the Sitting Judges regarding the \$1,500.00 which was given to the Screening Committee.

Secondly, Mr. Marshall's letter questions the Sitting Judges' participation in the printing and mailing of a sample ballot which promoted both federal and nonfederal candidates for the November, 1984 election. A copy of that sample ballot is attached for your review.

The cost of printing and mailing the sample ballot was split equally among the Sitting Judges, the Prince George's County Democratic Committee and Hoyer for Congress. The methods of allocation and reporting were used based on recommendations and advice from Mr. Todd Johnson of the Federal Election Commission staff.

The three-way split represented a reasonable apportionment between the portion on the sample ballot which promoted nonfederal candidates and the portion which promoted Federal candidates. Based on this apportionment two-thirds of the expenditures were designated for federal candidates and paid for from funds raised in accordance with the Act; and one-third was allocated for nonfederal use and paid for from the Sitting Judges' funds.

According to the Regulations it appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment of expenditure between federal and nonfederal candidates is reasonable. See 11 C.F.R. 100.8 (b)(10), 104.10 and 106.1(a).

Since the expenditure was for a part of the ballot reasonably connected to the promotion of nonfederal candidates there is no reporting requirement as to the parts of the ballot connected with federal candidates. This is especially true in light of the fact that two-thirds of the total cost was paid for by other committees. Moreover, as already noted, that two-thirds was expended from funds which had been raised in accordance with the Act.

The Sitting Judges expended funds for the sample ballot in direct proportion to the amount of benefit received by their local (i.e., nonfederal) candidates. As such, this conduct was not in any way inconsistent with the Act. And, as already noted, the procedures used to allocate the cost of that sample ballot, as well as the reporting procedures, were those recommended by a member of your staff.

Based on the foregoing, no contribution or expenditure was made by the Sitting Judges in violation of the Act. I have enclosed copies of the checks issued by the Sitting Judges to pay for their portion of the sample ballot (i.e., printing and mailing). To the best of respondent's knowledge, the Sitting Judges have, in good faith, sought to comply with and fulfill all campaign requirements be they state or federal in nature. Should, however, the Commission determine that there are additional issues which have not been addressed in this response, the Sitting Judges would be pleased to provide further response and documentation upon request.

I look forward to a rapid resolution of MUR 1887. Should you have any questions, please feel free to call me directly.

Sincerely yours,


Douglas M. Bregman

DMB:pam
Enclosures

86040573673

Our two very qualified and able jurists, Circuit Court
ges Monty Ahalt and Hovey Johnson, are seeking to
returned to their positions. I fully support their efforts
urge you to vote for them on Election Day.

STENY H. HOVER



U.S. CONGRESS
STENY H.
HOVER

2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. MONTY
ALT, JR.

9A

G.R. HOVEY
JOHNSON

10A



VOTE DEMOCRATIC
INTEGRITY

EXPERIENCE

PULL LEVERS

1A 2A 9A 10A

THE SMITH FAMILY
6122 85TH PL
NEW CARROLLTON MD 20784

20-02

HEADQUARTERS:
PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102

DEMOCRATIC
SAMPLE BALLOT

MONDALE

for America

FERRARO

1A



VOTE DEMOCRATIC
QUALITY

LEADERSHIP

GENERAL ELECTION

Tuesday, November 6, 1984

PAID FOR BY Gary R. Alexander, Chairman, Prince George's County Democratic Central Committee
Charles L. Armentrout, Treasurer, Prince George's County Democratic Central Committee
James C. Rosapepe, Treasurer, Prince George's Democratic Central Committee — Federal
William I. Garner, Jr., Treasurer, Hoyer for Congress
Robert W. Brown, Jr., Treasurer, The Committee to Elect the Sitting Judges

BULCRATE
US POSTAGE P
PERMIT NO. 50
RIVERDALE, N

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U.S. CONGRESS



**STENY H.
HOYER**

Congressman Steny Hoyer is one of Maryland's most energetic and active political leaders.

President of Berkshire, he is married to the former Judith E. Pickett and has three daughters, Susan, Stefany and Anne. Hoyer is a graduate of the University of Maryland, Georgetown Law School, and served as a U.S. Senator from Prince George's County for twelve years — four years as President of the Maryland Senate, the youngest ever elected.

He has represented Maryland's Fifth District in Congress since May, 1981, and serves as a member of the House Appropriations Committee. He is the first Prince Georgian since 1895 to be appointed to this prestigious and powerful post, where he serves his constituents on issues relating to education, health, national defense, international relations and concerns of federal employees and retirees.

Our Congressman, Steny Hoyer, has continued the fine tradition in Maryland that the people of the Fifth District have come to expect. By providing outstanding constituent services and exerting leadership on issues of importance to us all, he has earned the respect of both his colleagues in the Congress and the citizens of our county and state.

According to the Washingtonian Magazine, Steny Hoyer is "one of our nation's 100 future leaders" . . . and we agree.

7th JUDICIAL CIRCUIT



**ARTHUR M. "MONTY"
AHALT, JR.**

Judge Arthur M. Monty Ahalt, Jr. has been at the core of Prince George's County events since birth. Raised in College Park and educated in the County school system, Judge Ahalt graduated from the University of Maryland and obtained his Juris Doctor from American University. Intensely involved in professional, community and family life, Judge Ahalt is quite at home on a basketball court or soccer field where he regularly coaches young people. Prior to his appointment to the bench in February 1982, Judge Ahalt was an active trial attorney for 15 years. He is a former president of the County Bar Association and currently is an elder in his Presbyterian Church. He lives with his wife, Sandra, and their three children in Mitchellville.



**G.R. HOVEY
JOHNSON**

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attache Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November 1982, the Judge was an active trial attorney in the County. He lives with his wife, Joan, and their three children in Bowie.

"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials..."

**Reprint by Authority
The Washington Post**

DEMOCRATIC PARTY

YOU MAY TAKE THIS INTO THE VOTING BOOTH
OFFICIAL DEMOCRATIC SAMPLE BALLOT
5th Congressional District

GENERAL ELECTION
Tuesday, November 6, 1984



PRINCE GEORGE'S COUNTY, MD.
Polls Open 7 a.m. to 8 p.m.

Questions	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST	FOR	AGAINST
OFFICES	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Democratic Candidates	1A	2A	3A	4A	5A	6A	7A	8A	9A	10A	11A	12A	13A	14A
Republican Candidates	1B	2B	3B	4B	5B	6B	7B	8B	9B	10B	11B	12B	13B	14B
Libertarian Candidates	1C	2C	3C	4C	5C	6C	7C	8C	9C	10C	11C	12C	13C	14C
Communist Candidates	1D	2D	3D	4D	5D	6D	7D	8D	9D	10D	11D	12D	13D	14D
Workers Candidates	1E	2E	3E	4E	5E	6E	7E	8E	9E	10E	11E	12E	13E	14E
Alliance Candidates	1F	2F	3F	4F	5F	6F	7F	8F	9F	10F	11F	12F	13F	14F

QUESTIONS	FOR	AGAINST
QUESTION NO. 1 CONSTITUTIONAL AMENDMENT Prohibits certain persons from entering upon the duties of, or continuing to serve in certain elective offices created by or pursuant to the Maryland Constitution if the person was not a registered voter in the State on the date of the person's election or appointment to that term or if, at anytime thereafter and prior to the completion of the term, the person ceases to be a registered voter.		
QUESTION A PROPOSED CHARTER AMENDMENT To include in the County real property tax limitation an alternative limitation of a maximum tax rate of \$2.40 per each \$100.00 of assessed valuation.		
QUESTION B PROPOSED CHARTER AMENDMENT To include in the County real property tax limitation an alternative limitation of a maximum tax rate of \$2.40 per each \$100.00 of assessed valuation.		
QUESTION C COUNTY BUILDINGS AND FACILITIES BONDS An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$2,656,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of County buildings and facilities as defined therein.		
QUESTION D FIRE AND RESCUE FACILITIES BONDS An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$338,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of fire and rescue facilities in the County, as defined therein.		
QUESTION E HYATTSVILLE PARKING FACILITY BONDS An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$5,400,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of the Hyattsville Parking Facility, as defined therein.		
QUESTION F ROADS AND BRIDGES An Act pursuant to Section 323 of the Charter of Prince George's County, Maryland, enabling the County to borrow money and issue bonds in an amount not exceeding \$5,358,000 to finance the design, construction, reconstruction, extension, acquisition, improvement, enlargement, alteration, renovation, relocation, rehabilitation or repair of roads and bridges in the County, as defined therein.		

FOR THE LOCAL CHARTER AMENDMENT	
AGAINST THE LOCAL CHARTER AMENDMENT	

FOR THE BOND ISSUE	
AGAINST THE BOND ISSUE	

School Board District 1

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

01-01 01-02 01-03 01-04 01-05
02-01 02-02 02-03 02-04 02-05
03-01 03-02 03-03 03-04 03-05
04-01 04-02 04-03 04-04 04-05
05-01 05-02 05-03 05-04 05-05

These candidates' names will appear on the machine ballot in your polling place.

1A. Doug A. Eugene
2A. Mary Ellen Jenkins

School Board District 3

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

17-01 17-02 17-03 17-04 17-05
17-06 17-07 17-08 17-09 17-10
17-11 17-12 17-13 17-14 17-15
19-01

These candidates' names will appear on the machine ballot in your polling place.

19A. Catherine M. Burch

School Board District 4

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

02-01 02-02 02-03 02-04 02-05
02-06 02-07 02-08 02-09 02-10
16-02 16-04 20-01 20-02 20-03
20-05 20-06 20-07 20-08

These candidates' names will appear on the machine ballot in your polling place.

19A. Thomas B. Hendershot
20A. William J. McEwen

School Board District 6

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

13-01 13-02 13-03 13-04 13-05
18-01 18-02 18-03 18-04 18-05
18-06 18-07 18-08 20-04 20-05

These candidates' names will appear on the machine ballot in your polling place.

19A. Barbara Fletcher Martin
20A. John R. Rosser

School Board District 7

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

06-01 06-03 06-04 06-05 06-06
06-07 06-08 06-09 06-10 06-11
06-12 06-13 06-14 06-15

These candidates' names will appear on the machine ballot in your polling place.

19A. John H. Francis
20A. Sarah J. Johnson

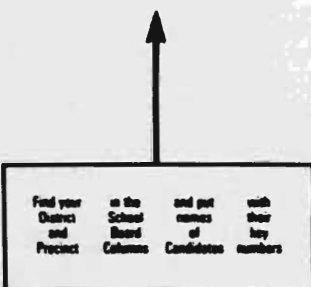
School Board District 9

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

04-01 05-01 05-02 05-03 05-04
05-05 05-06 05-07 05-08 05-09
09-01 09-02 09-03 09-04 09-05
11-01

These candidates' names will appear on the machine ballot in your polling place.

19A. Marry Caravan
20A. Norman H. Saunders



(EXAMPLE)
FIND YOUR DISTRICT AND PRECINCT IN ONE OF THE SCHOOL BOARD COLUMNS

School Board District

IF YOUR DISTRICT AND PRECINCT IS ONE OF THE FOLLOWING:

01-01 01-03 01-04 01-05 10-01
10-02 10-03 10-04 10-05 10-06
10-07 10-08 10-09 10-10 17-10
17-11 17-14 21-05 21-14

These candidates names will appear on the machine ballot in your polling place.

1A. John JONES
2A. Mary SMITH

PLACE THESE NAMES WITH THEIR KEY NUMBERS



VOTE DEMOCRATIC



FOR QUICK ACCURATE VOTING

- 1A MONDALE • FERRARO
- 2A HOYER
- 9A AHALT
- 10A JOHNSON

VOTE YES
ON QUESTION A

QUALITY
LEADERSHIP

INTEGRITY
EXPERIENCE

2 8 9 8 7 5 0 7 0 9 8

COMMITTEE TO ELECT SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

175

PAY TO THE
ORDER OF

Guthrie Lithograph, Inc.

10-22-84 004 01 0554

October 17 1984 85-329 650

205585219

Five Thousand Three Hundred and -- 30/100 DOLLARS



Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR

Pro-rata share of sample ballot

⑈000175⑈ ⑆055003269⑆

030736370⑈

⑈0000503333⑈

COMMITTEE TO ELECT SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

193

PAY TO THE
ORDER OF

Postmaster, Rivdale

10-30-84 004 01 0546

85-329 650

333333333

\$ 3,394.38

Three Thousand Three Hundred Ninety-Four & 38/100 DOLLARS



Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR

Ballot-rate permit # 5026

sample ballots

⑈000193⑈ ⑆055003269⑆

030736370⑈

⑈0000339438⑈

COMMITTEE TO ELECT SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

157

PAY TO THE
ORDER OF

The Mail Bag

05-03-84 004 18 0650

4444444444

\$ 225.00

Two Hundred Twenty-five & 21/100

DOLLARS



Central National Bank of Maryland
Silver Spring, Maryland 20903

PAID NS&T BANK. NA

05072570

FOR

Order # 13625

⑈000157⑈ ⑆055003269⑆

0307363701⑈

⑈0000022500⑈

COMMITTEE TO ELECT SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

181

PAY TO THE
ORDER OF

Merkle Computer Systems, Inc.

\$ 641.37

Six Hundred Forty-One & 37/100

DOLLARS



Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR

Labels, 1/2 share of stock

⑈000181⑈ ⑆055003269⑆

0307363701⑈

⑈0000064137⑈

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814

RETURN RECEIPT REQUESTED

CERTIFIED

P 583 268 735

MAIL

Maura White, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

05 AUG 13 AM 1:04



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

2 August 1985

Douglas M. Bregman, Esquire
Loren B. Mark, Esquire
Air Rights Building
7315 Wisconsin Avenue
Suite 800 West
Bethesda, Maryland 20814

RE: MUR 1887
Prince George's County
Democratic Central Committee;
Republican Candidate
Screening Committee;
James Pope, as treasurer;
Committee to Elect Sitting
Judges; Ralph W. Powers

Dear Mr. Bregman and Mr. Mark:

Enclosed for your information are copies of correspondence received from Arthur A. Marshall, Jr. relevant to the allegations raised in Mr. Marshall's complaint of January 28, 1985, which is numbered MUR 1887. The enclosed documents form part of the Commission's file in Pre-MUR 131 which is a matter of public record. Pre-MUR 131 originated from a letter to the Commission from Mr. Marshall dated September 28, 1984. On January 29, 1985, the Commission determined to close the file in Pre-MUR 131 after the Commission ascertained that a referral had not been made by Mr. Marshall in his official capacity as State's Attorney for Prince George's County.

Although certain of the enclosed information was not included by the complainant as part of the complaint in MUR 1887, the Commission may internally generate findings of possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act") based upon this information. See 2 U.S.C. § 437g(a)(2). If based upon this information the Commission determines that there is reason to believe a violation of the Act occurred by any of your clients, you will be notified of the alleged violation and provided with a report setting forth the legal basis and alleged facts which support the Commission's action. See 11 C.F.R. § 111.9(a). In addition, you will be afforded an opportunity to respond to the Commission's finding.

96040573686

Letter to Douglas M. Bregman and
Loren B. Mark
Page 2

On July 28, 1985, you submitted a written request for an extension to respond to the Complaint's allegations. I have reviewed your request and agree to the extension. Your clients' responses are due, therefore, by close of business August 12, 1985.

If you have any questions, please contact Maura White at 523-4143.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

Enclosures

36040573637

Judicial candidates running hard

Sitting judges, state's attorney battle it out on the civic group circuit as election approaches

By ELIZABETH RATHBUN

A lawyer stood near the buffet at a recent fund-raiser for the campaign of Arthur A. "Bud" Marshall, who is running to unseat one of two Circuit Court judges this November, popped corn cheer in his mouth and said, "I'm supporting everybody, man."

The comment illustrates the way many lawyers in the county are dealing with the race. Not only do they pay court to Marshall's opponents, Judges Arthur M. Monty Ahalt and G.R. Hovey Johnson, but Marshall is also the recipient of their support.

Voters don't have the luxury of supporting all candidates. They must choose whether to vote to retain the two judges in office, Ahalt and Johnson, or replace one with Marshall, who has been state's attorney for the last 22 years.

Ahalt and Johnson, appointed to the bench by Gov. Harry Hughes in 1962, face a run for their seats because Marshall won second place in the Republican primary this past May. Ahalt and

Johnson won the top two spots in the Democratic primary. Had Ahalt and Johnson finished in the top two spots in both primaries, they would be running unopposed in the Nov. 6 general election.

With less than six weeks to go before the election, all three candidates are running hard.

Ahalt and Johnson are running a combined campaign, appearing together nightly before political groups and civic organizations. Marshall, on the same circuit, also appears at meetings or events to debate the sitting judges.

Ahalt and Johnson concentrate on telling voters that they were appointed by the governor after a rigorous selection process, have proved themselves in office and deserve to continue.

Marshall counters that he has been a lawyer longer than both Ahalt and Johnson, adding he would be a tough sentencer who would speak out against problems in the criminal justice system.

At various meetings the three face questions on how judges decide on sentences and whether



Arthur M. Monty Ahalt

they support the death penalty (all three do, either because it is state law or because they say it is deserved in certain situations).

Marshall's chances in the election depend on voter turnout, he said. He hopes for a large Republican and conservative Democratic turnout to help him.

Though a lifelong Democrat, Marshall is perceived as a tough prosecutor and a "law and order" candidate. He appeals to those who will vote for President Reagan, he said.

Ahalt and Johnson, who won the endorsement of the county Democratic Central Committee,



G.R. Hovey Johnson

are featured in Democratic Party literature, which will be widely distributed. Some \$10,000, half the money raised so far by the Committee to Elect the Sitting Judges, will be spent to mail Central Committee sample ballots to registered Democrats, said the judges' campaign manager, William Connolly.

The committee hopes to raise \$5,000 or \$10,000 more, he said.

Marshall supporters have raised about \$16,000 and want about \$10,000 more, said campaign chairman Michael P. Whalen. A county-wide mailing is planned, as well as advertising on radio and in



Arthur A. "Bud" Marshall

newspapers, he said.

Both sides have racked up endorsements from local lawyers. The sitting judges also list on their literature support from dozens of politicians, from Gov. Harry Hughes on down. They also claim the support of the state and county bar associations.

Marshall hopes that losing the Democrats' endorsement won't be too much of a hindrance to his campaign, despite the traditional strength of the county party, he said. "Most of the citizens in Prince George's County are not too terribly happy with the party," he said.

Area fuel fund seeks donations

By BARBARA CARMAN

As temperatures drop and heating bills rise with the change of seasons, county residents who need help paying those bills can turn to the Washington Area Fuel Fund.

Washington Gas Light Co. recently kicked off their second annual drive for WAFF, which last year directed \$17,000 to 186 Prince George's residences.

Paul Young, spokesman for WOL, said WAFF is a private-sector volunteer fund and an extension of public energy aid programs. It also targets residents, regardless of the fuel used to heat their homes, not eligible for public programs.

WOL hopes to raise \$750,000 this year, after a successful \$620,000 drive last year, Young said.

Last year \$126,000 was directed to Maryland residents, and Young said each household received an average of \$200. WOL has transferred \$67,000 to the 1984 fund that was not used last year.

WOL administers the fund collection and the Salvation Army dispenses the funds. Residents interested in assistance are urged to contact Prince George's Salvation Army. WOL customers interested in contributing can enclose a check with their fuel payment. Non-WOL customers can also mail contributions to WOL.



FILED THE REC
GCC #5083
84 OCT 11 A9:00

Arthur A. Marshall, Jr.
Prince George's County State's Attorney

October 9, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

pm 1:31

Dear Mr. Steele:

Last week I wrote to you regarding Judges Ahalt and Johnson in Prince George's County, Maryland, who are running for election.

I have been advised that the two "Sitting Judges" have decided to proceed with the publication of materials (see attached), turning what I believe to be a non-partisan election clearly into a partisan election, in violation--in my opinion--of the Canons of Judicial Ethics and of the Federal Election Campaign Act. I greatly would appreciate your looking into this matter and apprising the appropriate parties as to your findings.

Pointing out that the election is less than four (4) weeks away, I would request that this be handled immediately so that proper decisions can be made and so that sanctions will not have to be brought.

Thanking you, I remain

Sincerely,


ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosure

86040573632

84 OCT 22 AM: 12



Arthur A. Marshall, Jr.
Prince George's County State's Attorney

October 19, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

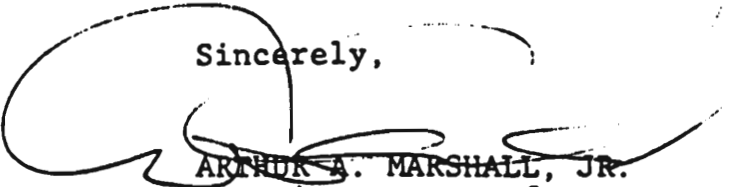
Enclosed is a sample ballot paid for by two of the judicial candidates in Prince George's County, Judge Ahalt and Judge Johnson, which was sent to all registered Republicans just prior to the May 8 primary election.

This particular piece of material I believe is clearly in violation of federal law, as previously indicated. It obviously purports to support identifiable federal candidates, and it does not have the appropriate disclaimer, etc. I would appreciate your acting expeditiously on this matter, as the election is only two (2) weeks away.

The continued violation of law by the "Sitting Judges" should not be tolerated. If there is any way that you can render your opinion prior to the election relative to their activities, it would be greatly appreciated. I certainly think if you can render even an oral opinion for the benefit of the parties that that, too, would be appreciated.

I believe you have an obligation to prevent violations of the law before they take place, rather than somehow or another imposing sanctions on people after they occur.

Sincerely,


ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

✓ Enclosures
cc: Duane A. Brown, Esquire

P.O. Box 7, Upper Marlboro, Maryland 20772

By authority of Mary Alice Ruslander, Treasurer

36040573690

REPUBLICAN BALLOT

PRIMARY ELECTION TUESDAY, MAY 8, 1984

OFFICES

Republican Candidates

LINE F

Republican Candidates

LINE G

President of the
United States
1985-1989



17
Ronald
Reagan
Sen. CA

Rep. in
Congress
1st District
1985-1989



17
John E.
Ritchie

Judge,
7th Judicial Circuit
1985-1989



17
Arthur H. Brown
Ahalt, Jr.

Delegates to The Republican National Convention
9th Congressional District
1985-1989



17
Charles C.
Deegan



17
Lawrence J.
Hogan, Jr.



17
Richard M.
La Placa

with Round Robin Candidate Screening Committee -- James R. Pope, Treas.

1 6 9 2 7 5 0 4 0 9 8

8 6 0 4 0 5 7 3 6 9 2

Republican Candidate Screening Committee
11341 Frances Drive
Beltsville, Maryland 20705

BULK RATE MAIL
U. S. POSTAGE
PAID
BELTSVILLE, MD.
PERMIT NO. 6070

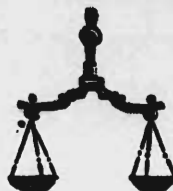
Republican Ballot
for
Primary Election
May 8, 1984

You May Take
This Ballot
Into the Voting
Booth With
You

21-07

THE ARNOLD FAMILY
5832 GOUCHER DR
BERWYN HEIGHTS MD 20740

RECEIVED AT THE
GCC #54
84 NOV 2 AG:



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

October 30, 1984

Duane Brown, Esquire
Assistant General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

84 NOV 2
A10:52

Dear Mr. Brown:

Pursuant to our recent conversation, I am forwarding to you a copy of the report of the Committee to Elect the Sitting Judges, which I have previously pointed out is a non-partisan state election.

Among other items on page 29, it reflects that the Committee to Elect the Sitting Judges made a transfer of Fifteen Hundred and 00/100 Dollars (\$1,500.00) to what is purported to be the Republican Screening Committee of Prince George's County. This particular transfer was for the purposes of preparing the enclosed ballot which was mailed to all registered Republicans in the Fifth Congressional District in the 1984 primary election. The literature was printed, as you can see, supporting federal candidates--in this instance Mr. Reagan, Mr. Ritchie, and other candidates to the Republican National Convention--as well as the "Sitting Judges." It is my belief that this is a violation of federal law.

On page 32, a copy of which is attached, there is an expenditure of Five Thousand Thirty-Three and 33/100 Dollars (\$5,033.33). I have been advised that this particular expenditure was for the printing of a sample ballot on behalf of the "Sitting Judges," co-mingling their monies with the Prince George's County Democratic Committee and with Congressman Steny H. Hoyer's efforts to be re-elected. The materials which were printed as a result of this contribution are used for the support of Mr. Mondale and Ms. Ferraro, Congressman Hoyer, and Mr. Greenebaum--as well as for the benefit of the "Sitting Judges." Once again, I believe this to be a violation of federal law.

If you have any further questions, please do not hesitate to contact me.

Sincerely,


ARTHUR A. MARSHALL, JR.

Enclosures

P.O. Box 7, Upper Marlboro, Maryland 20772

By authority of Mary Alice Rustander Treasurer

36040573695

**IMPORTANT
READ INSTRUCTIONS ON BACK
BEFORE COMPLETING FORM**

(A) Committee to Elect the Sitting Judges Circuit Court Judge Prince George's County
Name of Candidate or Name of Committee Elective Office Elective District
as filed with election office

(B) Transactions from April 23, 1984 Through October 21, 1984

(C) Central National Bank of Maryland Committee to Elect Sitting Judges 3-073637-00
Name of Bank or Depository Account Name Account Number

(D) Type of Report

4-10-84 11-27-84 Annual - 11-6-8
4-27-84 5-6-85 Other
XX00-26-84 11-6-85 Final Report

SUMMARY OF RECEIPTS AND DISBURSEMENTS

(E) Cash Balance - Beginning of transaction period \$ 17,804.85
(F) Receipts from Schedule 1: Column 4 \$ 34,609.14
(G) Receipts from Schedule 1A \$ -0-
(H) Total Cash Available (Total lines E, F and G) \$ 52,413.99
(I) Disbursements from Schedule 2:
Column 4 \$ 39,804.06
Column 5 \$ -0-
Column 6 \$ 1,750.00
(J) Total Disbursements \$ 41,554.06
(K) Cash Balance - End of transaction period \$ 10,859.93
(Subtract line J from line H)
(L) Total Outstanding Obligations from Schedule 3 \$ -0-
(M) In-Kind Contributions from Schedule 4 (Column 4) \$ -0-

**FAILURE TO PROVIDE ALL THE INFORMATION REQUIRED BY THIS FORM WILL BE
REGARDED AS A FAILURE TO FILE**

Under penalty of perjury, I declare that I have examined this report, including accompanying schedule and statements, and to the best of my knowledge and belief it is true, correct and complete.

(If report of candidate, candidate and treasurer must sign report,
If report of committee, treasurer and chairman must sign report.)

(S) _____
Signature of Candidate Printed Name Date
(S) Ralph W. Powers Ralph W. Powers 6/22/84
Signature of Treasurer Printed Name Date
(S) James C. Chapin James C. Chapin 10/24/84
Signature of Chairman Printed Name Date

BOARD USE ONLY
Reports must be time stamped upon receipt
REC'D
62 OCT 29 PM 2:29
62
Circulated 4-27-84
Report received 10-26-84

86040573691

SCHEDULE NO. 2—DISBURSEMENTS

For Committee Committee to Elect the Sitting Judges

Transactions from April 23, 19 84 through October 21, 19 84

(3)	(4)		(5)	(6)	
	SALARIES AND ALL PAYMENTS OTHER THAN LOAN PAYMENTS		LOAN PAYMENTS	TRANSFERS TO OTHER FUNDS (CANDIDATE OR COMMITTEE NAME REQUIRED)	AMOUNT
PAYEE AND ADDRESS	Code	Amount			
Suburban Signs, Inc. 5051 Greenbelt Road College Park, MD 20740	PL	1,050.00			
Craig Price 11618 Middleham Drive Kettering, MD 20772	O-labels	125.00			
Merkle Computer Systems 5200 E. Philadelphia Way Lanham, MD	O-labels	716.60			
Postmaster Prince George's Co., MD 2079C	P	1,105.36			
Republican Screening Committee of Prince George's County 1751 Elton Rd., #113, Silver Spring				Republican Screening Comm. of Prince George's Co.	1,500.00
Craig Price 11618 Middleham Drive Kettering, MD 20772	O-labels	50.00			
Postmaster Prince George's Co., MD 2079C	P	9,000.00			
Postmaster Prince George's Co., MD 2079C	P	2,500.00			
Bowie Blade News Bowie Shopping Center Bowie, Maryland	PL	568.89			
Greenbelt News Review Greenbelt, Maryland 20770	PL	131.25			
Guthrie Lithographics 2417 Evarts Street, N.E. WASHINGTON, D.C. 20018	O-invita- tions	765.00			
Mail Bag, Inc. 5005 Jackson Street Hyattsville, MD		1,292.62			
TOTALS THIS PAGE					1,500.00

THIS SCHEDULE MUST BE FILED WITH THE RETURN TO THE COMMISSION ON GOVERNMENT ETHICS. FAILURE TO FILE THIS SCHEDULE WILL BE REGARDED AS A FAILURE TO FILE.

(SEE INSTRUCTIONS)

Committee to Elect the Sitting Juries

Committee to Elect the Sitting Juries

April 23

19 84

through

October 21

. 19 84

TOTALS THIS PAGE.

RECEIVED AT THE FEC
84 NOV 5 9:42



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

November 2, 1984

Duane A. Brown, Esquire
Assistant General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Brown:

As I indicated to you the other day, I was somewhat disturbed over the lack of interest that your Commission seemed to have in our complaint.

As I also indicated, I would be happy to follow this up with whatever type of sworn or notarized statement that you feel appropriate so that your Commission can act. It seems to me that your Commission has an obligation to eliminate--or preclude--violations of the law prior to their occurrence, and to so make decisions so that the appropriate people would know that if they continued on they would be in violation of the law. I have always felt that, in my duties in law enforcement, it was much more important to deter crime than to attempt to punish the wrongdoer.

Enclosed please find a copy of the Democratic Central Committee's sample ballot, which, as I previously indicated to you, has been paid for in part by federal candidates and by state candidates. Based upon what I know about the law, I believe this is in violation of the Federal Election Campaign Act.

Sincerely,

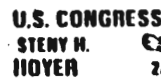
ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

cc: Charles N. Steele, Esquire
Enclosure

86040573697

4 0 5 7 3

HEADQUARTERS:
PRINCE GEORGES COUNTY
DEMOCRATIC PARTY
17066 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
250-9102



ARTHUR M. MONTY
AHALT, JR.

**G.R. HOVEY
JOHNSON**



PULL LEVERS 1A 2A 3A 10A

אנחנו רוצים לראות אתכם

For America

FERRARO



GENERAL ELECTION

Tuesday, November 6, 1984

[illegible]



DEMOCRATIC PARTY



U.S. CONGRESS

7th JUDICIAL CIRCUIT



II.
ER

man Steny Hoyer is one of Maryland's most energetic and political leaders.

of Berkshire, he is married to the former Judith E. Pickett. He has three daughters, Susan, Stefany and Anne. Hoyer is a graduate of the University of Maryland, Georgetown Law School, and served as a member of the Prince George's County for twelve years — four years as President of the Maryland Senate, the youngest ever elected.

represented Maryland's Fifth District in Congress since May, 1982. He serves as a member of the House Appropriations Committee. Since 1895 he has been appointed to this powerful post, where he serves his constituents on issues of education, health, national defense, international relations and of federal employees and retirees.

As a Congressman, Steny Hoyer, has continued the fine tradition of the people of the Fifth District have come to expect by providing outstanding constituent services and exerting leadership on issues of importance to us all. He has earned the respect of both his colleagues in the Congress and the citizens of our country and state.



ARTHUR M. "MONTY"
AHALT, JR.

Judge Arthur M. Monty Ahalt, Jr. has been at the core of Prince George's County events since birth. Raised in College Park and educated in the County school system, Judge Ahalt graduated from the University of Maryland and obtained his Juris Doctor from American University. He is intensely involved in professional, community and family life. Judge Ahalt is quite at home on a basketball court or soccer field where he regularly coaches young people. Prior to his appointment to the bench in February 1982, Judge Ahalt was an active trial attorney for 15 years. He is a former president of the County Bar Association and currently is an elder in his Presbyterian Church. He lives with his wife, Sandra, and their three children in Mitchellville.



G.R. HOVEY
JOHNSON

In his lifetime, Judge G.R. Hovey Johnson has built two illustrious careers — one in the military and one in law. A retired Colonel, he served as a Battalion Commander and a Special Forces Officer during two combat tours in Vietnam. Other military assignments included Attache Duty in Egypt and Senior Staff Positions in the Pentagon. The Judge holds three degrees, including a Master's from George Washington University and a Juris Doctor from Georgetown. Prior to his appointment by the Governor in November 1982, the Judge was an active trial attorney in the County. He lives with his wife, Jean, and their three children in Bowie.



"There is no reason that Circuit Court Judges Arthur M. Ahalt and G.R. Hovey Johnson should not continue serving. Not only have they discharged their duties in a perfectly honorable and circumspect way, but they also enjoy the support of many civic groups and public officials."



GCC#4964
34 OCT 3 18:3



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

September 28, 1984

SENSITIVE

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Recently it was brought to my attention that in the forthcoming election there are potential violations both of federal and of state laws, as well as possible violations of the Canons of Judicial Ethics, by at least two of the judicial candidates in Prince George's County.

I have written the attached letter and would greatly appreciate your looking into this matter.

Thanking you for your attention in this matter, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 656-2707

RECEIVED AT THE FEC
GCC # 8150
85 JUL 29 P 1: 45

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA. D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

July 26, 1985

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

Re: MUR 1887

Dear Ms. White:

As you know, our office is representing the Republican Candidate Screening Committee. When we spoke today I advised you that we will also be representing the Committee to Elect Sitting Judges with regard to the above referenced matter and, I have enclosed the form designating our office as counsel.

Given that we will be responding for both Committees, I am requesting that the time for response, for both Committees, be extended to August 12, 1985. Had the Committees been notified when the Complaint was originally filed, their responses would have already been provided. In light of the inadvertent delay in notifying the Committees, we appreciate the Commission's cooperation in now allowing us adequate time to review the matter fully.

At this stage I am awaiting the codes and regulations you have agreed to send. Once they are received we will formulate responses for both Committees. The extension to August 12, 1985 is also needed since I will be out of town for several days next week.

We are all eager to resolve this matter once and for all. I can assure you that the responses will be forthcoming no later than August 12, 1985. If there are any problems with this new date, please advise me directly. Otherwise, we will assume that the August 12th date is acceptable.

Again, thank you for your cooperation in this matter.

Sincerely yours,

DOUGLAS M. BREGMAN, P.A.

By:

Loren B. Mark

LBM:pam
Enclosures

86040573701

5 JUL 29 P 3: 07

GENERAL COUNSEL

STATEMENT OF DESIGNATION OF COUNSEL

MUR 1887

NAME OF COUNSEL: Douglas M. Bregman, P.A.

ADDRESS: 7315 Wisconsin Avenue

Suite 800W

Bethesda, Maryland 20814

TELEPHONE: (301) 656-2707

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.

7/26/85

Date


Signature Douglas M. Bregman

Authorized to sign for the Committee
to Elect Sitting Judges

RESPONDENT'S NAME: Committee to Elect Sitting Judges

ADDRESS: Douglas M. Bregman, P.A.

7315 Wisconsin Avenue, Suite 800W

Bethesda, Maryland 20814

HOME PHONE: (301) 652-0027

BUSINESS PHONE: (301) 656-2707

86040573702

ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
THESDA, MARYLAND 20814

PM
17 JUL
1985

05 JUL 23 P 1:45



DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK *

TELEPHONE (301) 856-2707

RECEIVED AT THE FEC
GCC# 8069
85 JUL 22 10:01
OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

July 17, 1985

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

RE: MUR 1887
Complaint filed against the
Republican Candidate Screening
Committee

Dear Ms. White:

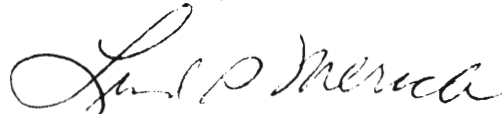
Pursuant to the telephone conversation we had today, I am writing this letter. As we discussed, Mr. Pope, the Treasurer for the Republican Candidate Screening Committee, has retained our office to represent him and the Republican Candidate Screening Committee in the above referenced matter. Mr. Pope has been advised by your office that a response to this Complaint must be filed by Monday, July 22, 1985.

Mr. Bregman, the attorney who will be representing Mr. Pope and the Committee in this matter, will be out of town until Monday, July 22, 1985. Consequently, I am requesting by this letter that Mr. Pope and the Committee be given an extension to file their response to this Complaint until Monday, July 29, 1985. I am hopeful that upon receipt of our response this matter can be resolved and the complaint dismissed.

If I do not hear from you to the contrary, I will assume that our request for an extension to file a response on behalf of Mr. Pope and the Committee has been granted.

Thank you for your cooperation in this regard.

Sincerely yours,



Linda S. Mericle
Paralegal in the Office
of Douglas M. Bregman

DMB:lsn
Enclosure

cc: James Pope

36040573701

STATEMENT OF DESIGNATION OF COUNSEL

MUR

1887

NAME OF COUNSEL:

Douglas M. Bregman, P.A.

ADDRESS:

7315 Wisconsin Ave., Suite 800W

Bethesda, Maryland 20814

TELEPHONE:

(301) 656-2707

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.

July 18, 1985
Date

James R. Pope
Signature

RESPONDENT'S NAME:

JAMES Richard Pope

ADDRESS:

13170 TRIADELPHIA Mill Rd
CLARKSVILLE, MD
21029

HOME PHONE:

301-531 3590

BUSINESS PHONE:

301-439 3953

86040573705

GLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

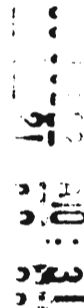
315 WISCONSIN AVENUE

SUITE 800 WEST

HESDA, MARYLAND 20814



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





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 10, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ralph W. Powers, Treasurer
Committee to Elect Sitting Judges
7315 Wisconsin Avenue
Suite 800 W
Bethesda, MD 20814

Re: MUR 1887

Dear Mr. Powers:

This letter is to notify the Committee to Elect the Sitting Judges ("Committee") and you, as treasurer, that on January 28, 1985, the Federal Election Commission received a complaint alleging that the Committee and you, as treasurer, may have violated 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 1887. Please refer to this matter in all future correspondence.

The complaint was not sent to you earlier due to administrative inadvertence. Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you and the Committee 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.

36040573707

Letter to Ralph W. Powers
Page 2

If you and the Committee 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 notification and other communications from the Commission.

If you have any questions, please contact Maura White, the staff member assigned 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

Kenneth A. Gross (R.H.F.)

By: Kenneth A. Gross
Associate General Counsel

Enclosures

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

86040573703



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

June 24, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James R. Pope, Treasurer
Republican Candidate Screening Committee
11341 Frances Drive
Beltsville, Md. 20705

Re: MUR 1887

Dear Mr. Pope:

This letter is to notify the Republican Candidate Screening Committee ("Committee") and you, as treasurer, that on January 28, 1985, the Federal Election Commission received a complaint alleging that the Committee and you, as treasurer may have violated 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 1887. Please refer to this number in all future correspondence.

The complaint was not sent to you earlier due to administrative inadvertence. Under the Act, you have the opportunity to demonstrate, in writing, that no action should be taken against you and the Committee 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 and the Committee 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 notification and other communications from the Commission.

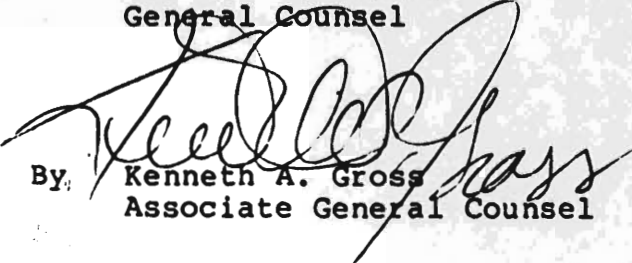
86040573702

Letter to James R. Pope
Page 2

If you have any questions, please contact Duane A. Brown, the attorney assigned 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

86040573710



SENSITIVE

85 JAN 23 P 2:16

MUR 1887

STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY

ARTHUR A. MARSHALL, JR.

COURT HOUSE

UPPER MARLBORO, MARYLAND 20772

952-3583

January 22, 1985

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

On September 28, 1984, I wrote to you relative to what appeared potential violations of federal law. This was followed up by my letters of October 9, October 19, and October 30. I thought everything had been complied with relative to law, until a more recent phone call from your office requested that the complaint be submitted under oath.

Enclosed please find my letters of September 28, October 9, October 19, and October 30, 1984. I will, under the penalties of perjury, submit that the information contained therein is true and correct to the best of my knowledge, information, and belief.

In the most recent report filed by the Committee to Elect the Sitting Judges, a One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) contribution was made to the "Republican Screening Committee," which I assume is the same "Republican Candidate Screening Committee" which advocated the election not only of the "sitting judges" but also of federal candidates (see page 29).

On page thirty-two (32) of the same report there was a Five Thousand Thirty-Three and 33/100 Dollars (\$5,033.33) contribution made to Guthrie Lithographics, which was a payment for printing of the sample ballot supporting all the Democratic nominees, including federal candidates. I am enclosing one of the Democratic sample ballots. There were other sample ballots indicating the same, however, the photographs reflect the federal candidates Mr. Mondale and Ms. Ferraro, rather than Mr. Jackson. This information I am certain is available through the Democratic Party.

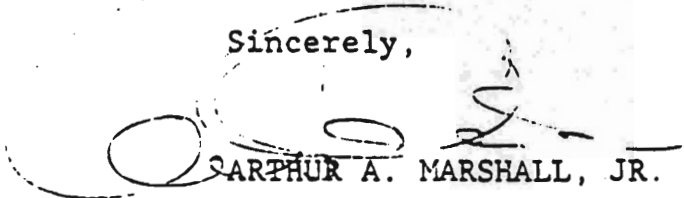
- c o n t i n u e d -

To: Charles N. Steele, Esquire
January 22, 1985
Page Two

The reason I write is to understand fully what the law is, and to have your advices in light of the fact that it may well be that not only will I seek election in the future to one of the judicial offices, but also, once again, I would be running against a "sitting judge" and would like to be able to prohibit the violation of the law in advance--as was my intention in this past election--rather than to file a complaint after the harm has been done.

If you have any questions, please do not hesitate to contact me.

Sincerely,


ARTHUR A. MARSHALL, JR.

Enclosures
AAM/mar

STATE OF MARYLAND)

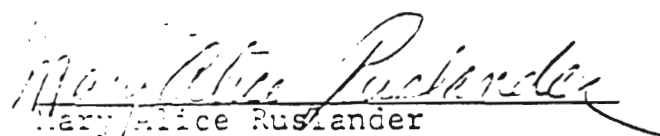
ss:

COUNTY OF PRINCE GEORGE'S)

I HEREBY CERTIFY, under the penalties of perjury, that the foregoing information, and the information contained in the attachments hereto, is true and correct to the best of my knowledge, information, and belief.

WITNESS my hand and seal this 22nd day of January, 1985.


ARTHUR A. MARSHALL, JR.


Mary Alice Ruslander

Notary Public

My commission expires: 07/01/86

36040573712

September 28, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Recently it was brought to my attention that in the forthcoming election there are potential violations both of federal and of state laws, as well as possible violations of the Canons of Judicial Ethics, by at least two of the judicial candidates in Prince George's County.

I have written the attached letter and would greatly appreciate your looking into this matter.

Thanking you for your attention in this matter, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

86040573713

October 9, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Last week I wrote to you regarding Judges Ahalt and Johnson in Prince George's County, Maryland, who are running for election.

I have been advised that the two "Sitting Judges" have decided to proceed with the publication of materials (see attached), turning what I believe to be a non-partisan election clearly into a partisan election, in violation--in my opinion--of the Canons of Judicial Ethics and of the Federal Election Campaign Act. I greatly would appreciate your looking into this matter and apprising the appropriate parties as to your findings.

Pointing out that the election is less than four (4) weeks away, I would request that this be handled immediately so that proper decisions can be made and so that sanctions will not have to be brought.

Thanking you, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosure

36040573714



Arthur A. Marshall, Jr.
Prince George's County State's Attorney

October 19, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

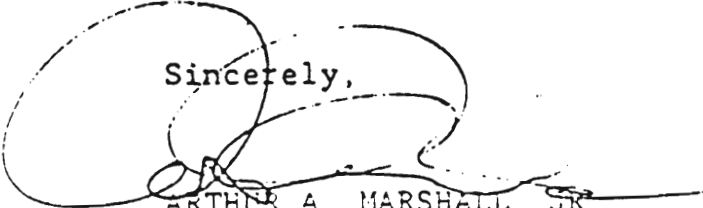
Dear Judge Gilbert:

Enclosed please find a copy of a primary sample-ballot that the "Sitting Judges" have admitted to preparing and paying for, purporting to support certain Republican candidates. This was mailed to all Republicans in the Fifth Congressional District of Maryland just prior to the May 8 primary. I believe this clearly is a violation of the Canons of Judicial Ethics and I believe it incumbent upon yourself and your Committee to act immediately; certainly even an oral opinion directed to the "Sitting Judges" as to your findings would be of some assistance.

Also enclosed are copies of some materials which had been sent to you previously, for I have been advised that you had not received same.

The election now is only two (2) weeks away.

Sincerely,


ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

36040573715



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

October 30, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

Dear Judge Gilbert:

Recognizing that nothing will be done prior to the election of next week, I am forwarding to your attention a copy of a letter which I have written--with enclosures--to the Federal Election Commission.

I believe that this particular political activity on the part of the "Sitting Judges" is a violation of the Canons of Judicial Ethics.

So that prospectively other judges who are required by the Constitution of the State of Maryland to seek election have the benefit of your committee's guidance, I would hope that you will thoroughly review these matters and render an appropriate opinion.

Your guidance would be welcome, I am certain, by all judges who might have to run in the election of 1986, as well as by their prospective opponents.

Thanking you, I remain

Sincerely,

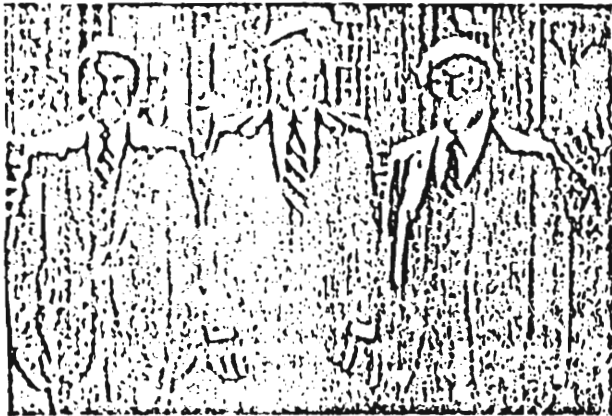

ARTHUR A. MARSHALL, JR.

Enclosures

36040573716

Our two very qualified and able jurists, Circuit Court judges Monty Ahalt and Hovey Johnson, are seeking to be returned to their positions. I fully support their efforts and urge you to vote for them on Election Day

STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER 2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. MONTY
AHALT, JR. 9A

G.R. HOVEY
JOHNSON 10A



VOTE DEMOCRATIC

INTEGRITY

EXPERIENCE

8 6 0 4 0 5 7 3 7 1 7

HEADQUARTERS:
PRINCE GEORGES COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
(301) 5102



DEMOCRATIC
SAMPLE BALLOT

MONDALE

for America

FERRARO



Congressman Steny Hoyer and Rev. Jesse Jackson

VOTE DEMOCRATIC

... this race is not only about electing a President, it's about electing state and local officials on every level... tax assessor, to your congressional representative...

REV. JESSE JACKSON

Opening Ceremony of Democratic Party Headquarters, Kettering Shopping Center

Authority: National Rainbow Coalition, Inc.

GENERAL ELECTION
Tuesday, November 6, 1984

BUL
US POST
PERMIT
RIVERD

DESCRIPTION OF PRELIMINARY PROCEDURES
FOR PROCESSING COMPLAINTS FILED WITH THE
FEDERAL ELECTION COMMISSION

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and assigned to a staff member. Within 5 days of receipt of a complaint, the Commission shall notify, in writing, any respondent listed in the complaint that the complaint has been filed and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received and will be acted upon. The respondent(s) shall then have 15 days to demonstrate, in writing, that no action should be taken against him/ her in response to the complaint.

At the end of the 15 days, the Office of General Counsel shall report to the Commission making a recommendation(s) based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent(s). A copy of respondent's submission shall be attached to the Office of General Counsel's report and forwarded to the Commission. This initial report shall recommend either: (a) that the Commission find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act (FECA) and that the Commission will conduct an investigation of the matter; or (b) that the Commission finds no reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act (FECA) and, accordingly, that the Commission close the file on the matter.

If, by an affirmative vote of four (4) Commissioners, the Commission decides that it has reason to believe that a person has committed or is about to commit a violation of the Federal Election Campaign Act (FECA), the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission shall have the power to subpoena documents, to subpoena individuals to appear for deposition, and to order answers to interrogatories. The respondent(s) may be contacted more than once by the Commission during its investigation.

3604057313

If, during this period of investigation, the respondent(s) indicate a desire to enter into conciliation, the Office of General Counsel staff may begin the conciliation process prior to a finding of probable cause to believe a violation has been committed. Conciliation is an informal method of conference and persuasion to endeavor to correct or prevent a violation of the Federal Election Campaign Act (FECA). Most often, the result of conciliation is an agreement signed by the Commission and the respondent(s). The Conciliation Agreement must be adopted by four votes of the Commission before it becomes final. After signature by the Commission and the respondent(s), the Commission shall make public the Conciliation Agreement.

[If the investigation warrants], and no conciliation agreement is entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent(s) of his intent to proceed to a vote on probable cause to believe that a violation of the Federal Election Campaign Act (FECA) has been committed or is about to be committed. Included with the notification to the respondent(s) shall be a brief setting forth the position of the General Counsel on the legal and factual issues of the case. Within 15 days of receipt of such brief, the respondent(s) may submit a brief posing the position of respondent(s) and replying to the brief of the General Counsel. Both briefs will then be filed with the Commission Secretary and will be considered by the Commission. Thereafter, if the Commission determines by an affirmative vote of four (4) Commissioners, that there is probable cause to believe that a violation of the FECA has been committed or is about to be committed conciliation must be undertaken for a period of at least 30 days but not more than 90 days. If the Commission is unable to correct or prevent any violation of the FECA through conciliation the Office of General Counsel may recommend that the Commission file a civil suit against the respondent(s) to enforce the Federal Election Campaign Act (FECA). Thereafter, the Commission may, upon an affirmative vote of four (4) Commissioners, institute civil action for relief in the District Court of the United States.

See 2 U.S.C. § 437g, 11 C.F.R. Part 111.

November 1980

36040573717

STATEMENT OF DESIGNATION OF COUNSEL

MUR _____

NAME OF COUNSEL: _____

ADDRESS: _____

TELEPHONE: _____

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.

Date

Signature

RESPONDENT'S NAME: _____

ADDRESS: _____

HOME PHONE: _____

BUSINESS PHONE: _____

36040573720



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1, 1985

Arthur A. Marshall
State's Attorney for Prince
George's County
Court House
Upper Marlboro, Maryland 20772

Dear Mr. Marshall:

This is in response to your letter of April 8, 1985, in which you request an advisory opinion regarding a factual situation which has previously been presented by you in the form of a complaint.

The Commission is authorized to give advisory opinions in response to a specific transaction or activity that the requesting person proposes to undertake. 2 U.S.C. § 437f and 11 C.F.R. Part 112. However, advisory opinions may not be issued with regard to general questions of interpretation, hypothetical situations, or the activities of persons other than the requestor. See 11 C.F.R. § 112.1(b). Although your letter appears to ask questions regarding some future activity on your part as a judicial candidate, that activity would not appear to pose an issue under the jurisdiction of the Federal Election Commission. Moreover, the activity referred to in your complaint over which the Commission does have jurisdiction does not pertain to your own conduct. Consequently, the Commission has no authority to issue an opinion in response to your request.

For your information, the complaint you filed with the Commission is presently being processed and we will notify you as soon as the Commission has completed its inquiry into the matter.

Sincerely,

Charles N. Steele
General Counsel

BY: 
Associate General Counsel

36040573721



ACC# 7134
Brown

STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY
ARTHUR A. MARSHALL, JR.
COURT HOUSE
UPPER MARLBORO, MARYLAND 20772
952-3583

APR 11 10:32

GENERAL COUNSEL

April 8, 1985

Federal Election Commission
Charles N. Steele, General Counsel
Washington, D.C. 20463

Dear Mr. Steele:

To my knowledge, I have filed all the documentation relative to the attached.

As of this time I have heard nothing further. As previously indicated by all of the materials submitted to you for your consideration, I am attempting to obtain your best advices so that I will know in the future exactly what I--or perhaps a prospective opponent--might do.

At this particular stage of the proceedings, as previously indicated, I am not interested in any legal sanctions being taken against either the Prince George's County (Maryland) Democratic Committee, or against the Republican Central Committee of Prince George's County, or against any individual. I am seeking solely, if at all possible, an advisory opinion.

Thanking you for your cooperation, I remain

Very truly yours,

ARTHUR A. MARSHALL, JR.

Enclosures

cc: Kenneth A. Gross,
Associate General Counsel
AAM/mar

86040573722

February 4, 1985

American Bar Association
ATTENTION: Lisa Milord,
Center for Professional
Responsibility
750 North Lakeshore Drive
Chicago, Illinois 60611

Dear Ms. Milord:

Pursuant to your telephone conversation this date with my secretary, please find attached copies of the enclosures you requested. Please note that question #6 should have been marked "yes," and that the attachments are those enclosed herewith.

If you should require additional information, or further assistance in processing my inquiry, please contact me.

Thanking you for your consideration, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.

Enclosures
AAM/mar

86040573723



STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY
ARTHUR A. MARSHALL, JR.
COURT HOUSE
UPPER MARLBORO, MARYLAND 20772
952-3583

February 4, 1985

American Bar Association
ATTENTION: Lisa Milord,
Center for Professional
Responsibility
750 North Lakeshore Drive
Chicago, Illinois 60611

Dear Ms. Milord:

Pursuant to your telephone conversation this date with my secretary, please find attached copies of the enclosures you requested. Please note that question #6 should have been marked "yes," and that the attachments are those enclosed herewith.

If you should require additional information, or further assistance in processing my inquiry, please contact me.

Thanking you for your consideration, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.

Enclosures
AAM/mar

36040573724

866040573725

1. Is your own future conduct as a lawyer or judge involved?
YES X NO .

2. If the answer to No. 1 is "NO," is your inquiry made on behalf of an ethics grievance committee or chief executive officer of a bar association regarding the conduct of a member or an individual applying for membership?
A YES NO .

4/A

3. If the answer to No. 2 is "YES," state in which capacity your inquiry is made.

N/A

4. Is the conduct that is the subject of this inquiry also the subject of pending litigation?
YES NO X .

5. To what other group or organization have you submitted this inquiry, and when? Judicial Disabilities Commission, Judicial Ethics Committee, Attorney General's Office for the State of Maryland, Federal Election Commission
6. If you indicated in No. 5 that you have submitted this inquiry to another group or organization, state whether that group or organization has reached a decision on your question.
YES _____ NO _____. If "YES," please enclose a copy of the decision with this questionnaire.

THE UNDERSIGNED ACKNOWLEDGES THE INTENDED PURPOSES AND EFFECT OF THE COMMITTEE'S ADVISORY OPINIONS AS EXPLAINED IN THE ATTACHED COVER LETTER.

Signature Arthur A. Marshall, Jr.

Date _____

1435K

CHAIRMAN
RICHARD P. GILBERT
Chief Judge
Court of Special Appeals
Annapolis, Maryland 21401



STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES

EXECUTIVE SECRETARY
HOWARD E. WALLIN
University of Baltimore
Law School
Charles St. at Mount Royal
Baltimore, Maryland 21201
~~XXXXXXXXXXXX~~
301-625-3086

December 18, 1984

The Honorable Arthur A. Marshall, Jr.
State's Attorney for Prince George's County
Court House
Upper Marlboro, Maryland 20772

In re: CJD 420

Dear Mr. Marshall:

I have discussed with the Commission your letter to me dated December 4, 1984. While the Commission agrees that it is the proper forum for complaints against members of the Maryland Judiciary, it likewise feels that it may decide when matters come within its jurisdiction. Therefore, it dismissed the complaint that you had filed.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Howard E. Wallin".
Howard E. Wallin
Executive Secretary

HEW:mtk

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CHAIRMAN
RICHARD P. GILBERT
Chief Judge
Court of Special Appeals
Annapolis, Maryland 21401



STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES

EXECUTIVE SECRETARY
HOWARD E. WALLIN
University of Baltimore
Law School
Charles St. at Mount Royal
Baltimore, Maryland 21201
625-3086

November 20, 1984

Arthur A. Marshall, Jr.
State's Attorney for
Prince George's County
P.O. Box 7
Upper Marlboro, Maryland 20772

In re: CJD 420

Dear Mr. Marshall:

This is to acknowledge receipt of your recent letter of complaint regarding a member of the Maryland Judiciary.

The Maryland Commission on Judicial Disabilities is a constitutional body authorized by Art. IV, 4B of the Maryland Constitution. It provides that the Commission may recommend to the Court of Appeals the removal or retirement of a judge or that a judge be censured upon a finding of misconduct while in office or persistent failure to perform the duties of his office or of conduct prejudicial to the proper administration of justice.

The Commission does not have power to investigate or discipline attorneys, federal judicial officers, administrative officers, members of the Legislature, or members of the police force.

The Commission is not empowered to act as a court of review to grant relief to the parties, or to seek or assist in seeking such relief by litigation. The sole authority and jurisdiction of the Commission is to determine the existence of judicial misconduct as the same is defined by the Constitution of Maryland and the governing Maryland Court of Appeals Rules, and where appropriate, to recommend to the Court of Appeals the imposition of disciplinary action. The complaining party should, therefore, pursue his legal remedies by appropriate action, as he may desire, without regard to any action which the Commission may in the future take with regard to the grievance.

If you feel that conduct of any judicial officer with whom you have had contact was such as to give the Commission jurisdiction under the criteria set forth above, you should complete a verified (notarized) statement alleging facts indicating that a judge has committed acts constituting misconduct in office or persistent failure to perform the duties of his office or conduct prejudicial to the proper administration of justice or that he has a disability seriously interfering with the performance of his duties which is, or is likely to become permanent.

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Arthur A. Marshall, Jr.
November 20, 1984
Page Two

Commission members have determined that your complaint does not come within our jurisdiction. Therefore, we are dismissing this complaint and closing our file on the matter.

Sincerely yours,


Howard E. Wallin
Executive Secretary

HEW:mtk

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ALYCE RISENSTARK
Chief Counsel
Opinions and Advice
570-0316

JAMES G. KLAIR
Chief Counsel
Administration and
Counsel to the Courts
570-0320

DIANA G. MOTZ
Chief Counsel
Litigation
570-0338

SUSAN K. GAUVEY
Principal Counsel
Trial Litigation
570-0343

ELLEN A. CALLEGARY
Special Assistant
570-0314

JEANNE D. HITCHCOCK
Special Assistant
570-0310

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570-0350

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570-0309

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Chief, Medicaid Fraud Control Unit
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STEVEN J. COLE
Director, Consumer and Investor Affairs
Chief, Consumer Protection Division
570-0350

SUSAN M. RITTENHOUSE
Commissioner, Securities Division
570-0300

MICHAEL F. BROCKMEYER
Chief, Antitrust Division
570-0470

TTY for Deaf
Baltu. Area 383-7555
D.C. Metro 565-0451

October 23, 1984

Arthur A. Marshall, Jr., Esq.
State's Attorney
Court House
Upper Marlboro, Maryland 20772

Dear Mr. Marshall:

This is in response to your letter of October 9, 1984, regarding certain alleged political activities by the incumbent judges who are seeking election in Prince George's County. Your letter poses two inquiries: First, you request our views on whether these alleged actions violate the Canons of Judicial Ethics. Second, you ask whether an alleged "pool[ing of] resources" between the judges and candidates for federal office violates the Federal Election Campaign Act. With respect, we believe that it would be inappropriate for us to address these matters because, in each case, the law provides for another, specific mechanism by which complaints of violations ought be resolved.

The Canons and Rules of Judicial Ethics have been adopted by the Court of Appeals pursuant to its rulemaking authority. See Rule 1231. Significantly, the Court of Appeals has prescribed a formal mechanism through which complaints that a judge has violated a Rule of Judicial Ethics are to be resolved. See Rule 1227. See also Judicial Ethics Rules 1 and 15.

This Office has long had a policy of refraining from issuing opinions on questions of ethical propriety when another forum has the responsibility of resolving such questions. Thus, for

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example, we have advised members of the General Assembly that questions about the Public Ethics Law should be referred to the Joint Committee on Legislative Ethics. See, e.g., Letter from Stephen H. Sachs, Attorney General, to Senator H. Erle Schafer (February 20, 1980). We also generally refrain from issuing opinions on the Public Ethics Law to any of our other clients, unless the State Ethics Commission joins in the request. See Memorandum from George A. Nilson, Deputy Attorney General, to all Assistant Attorneys General (May 5, 1980). Similarly, even when responding to an inquiry from the Administrative Office of the Courts, we declined to construe a Judicial Ethics Rule, deferring instead to the authority of the Judicial Ethics Committee. 65 Opinions of the Attorney General 285, 299-300 (1980).

We believe that your inquiry concerning the Canons of Judicial Ethics is likewise not suitable for an Opinion of this Office. Allegations of unethical judicial conduct should be addressed through the procedures specifically set up to resolve such complaints.

For the same reason, we cannot respond to your concern about the judges' alleged violation of the Federal Election Campaign Act. Under the Act, "[a]ny person who believes a violation of [the] Act ... has occurred, may file a complaint with the [Federal Election] Commission". 2 U.S.C. §437g(a). See also 11 C.F.R. §§111.4 through 111.7. Especially given the fact that a violation of the contribution restrictions in the Act is a federal offense [see 2 U.S.C. §437g(d)], it would be inappropriate for us to address your inquiry.

We have, however, examined the materials attached to your letter to determine if the facts, as reported, implicate any of the restrictions in the Maryland Fair Election Practices Act. As far as we can determine on that basis, the Maryland statute has been complied with. As you know, Maryland law permits corporate contributions, up to specified limits. See Article 33, §26-9(b) of the Maryland Code. The law also gives candidates wide latitude in deciding how to expend their receipts. See Opinion No. 83-051, at 13-14 (December 28, 1983) (to be published at 68 Opinions of the Attorney General (1983)). Thus, we perceive no issue as to compliance with the State statute.

Very truly yours,



Avery Alsenstark
Chief Counsel
Opinions and Advice



Jack Schwartz
Assistant Counsel
Opinions and Advice

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RICHARD P. GILBERT
CHIEF JUDGE

THE COURTS OF APPEAL BUILDING
ANNAPOLIS, MARYLAND 21401
(301) 269-2297

October 22, 1984

Personal and Confidential

Arthur A. Marshall, Jr., Esq.
State's Attorney for
Prince George's County
P. O. Box 7
Upper Marlboro, Maryland 20772

Dear Mr. Marshall:

Receipt is acknowledged of your letter of October 19, 1984, together with its enclosures.

I have forwarded a copy of the above material to each member of the Commission for such action, if any, that may be deemed appropriate.

Very truly yours,

RPG:jwl

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JUDICIAL ETHICS COMMITTEE

HON. MARTIN B. GREENFELD
CHAIRMAN
266-4918

COURTS OF APPEAL BUILDING
ANNAPOLIS, MARYLAND 21401
JAMES H. NORRIS, JR.
SECRETARY
266-2141

HON. WILLIAM H. ADKINS, II
HON. WALTER E. BUCK
HON. BRODNAX CAMERON, JR.
HON. CHARLOTTE M. COOKSEY
JOHN S. MCINERNEY, ESQ.
HON. NORMAN L. PRITCHETT
HON. ALAN M. WILNER
HON. MARTIN A. WOLFF

October 10, 1984

Mr. Arthur A. Marshall, Jr.
State's Attorney for
Prince George's County
P.O. Box 7
Upper Marlboro, Maryland 20772

Dear Mr. Marshall:

On September 28, 1984 you wrote a letter requesting that the Judicial Ethics Committee look into your allegations of ethical and/or election violations by two judges who are candidates for election.

This is to advise that under Rule 16 of the Canons and Rules of Judicial Ethics, this Committee has no authority to respond to a request by a State's Attorney for an advisory opinion.

Very truly yours,


Martin B. Greenfeld

MBG:dwn

cc: Committee Members
James H. Norris, Jr., Esq.

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FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

October 10, 1984

Arthur A. Marshall, Jr.
Prince George's County State's
Attorney
P.O. Box 7
Upper Marlboro, Maryland 20772

Re: Pre-MUR 131

Dear Mr. Marshall:

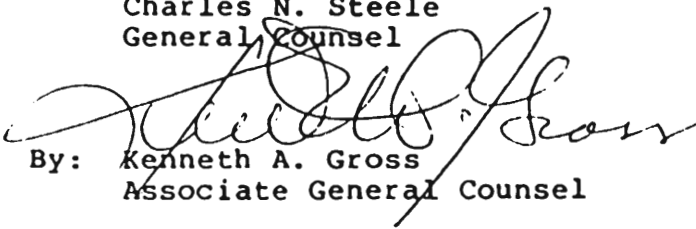
This is to acknowledge receipt of your letter of September 28, 1984, which we received on October 3, 1984, advising us of the possibility of a violation of the Federal Election Campaign Act of 1971, as amended, by Prince George's County Democratic Committee. We are currently reviewing the matter and will advise of the Commission's determination.

If you have any questions or additional information, please call Duane A. Brown, the attorney assigned to this matter, at (202) 523-4000.

Pursuant to 2 U.S.C. § 437g(a)4(B) and § 437g(a)(12)(A), the Commission's review of this matter shall remain confidential.

Sincerely,

Charles N. Steele
General Counsel


By: Kenneth A. Gross
Associate General Counsel

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JUDICIAL ETHICS COMMITTEE

HON. MARTIN R. GREENFELD
CHAIRMAN
386-4818

COURTS OF APPEAL BUILDING
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JAMES H. NORRIS, JR.
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Lucy Ann Garvey, Esq.
HON. JOHN J. MITCHELL
HON. CHARLES E. MOYLAN, JR.
HON. PATRICK C. MUDD
Hon. Alan B. Lipson
HON. ALAN M. WILNER
HON. MARTINA WOLFF

November 30, 1983

Unreported Opinion Docket No. 83-7

Propriety of a Judge Becoming Actively Involved In Election Campaigns

Two recent appointees to the Circuit Court must stand for election in 1984. A judge of another court in the county wants to know if it would be permissible to become actively involved in the campaign, on behalf of either the sitting judges or one or more challengers. Specifically, the judge asks whether it would be proper:

- (1) to make a financial contribution to a candidate;
- (2) to become involved "in the organization and campaign activities of the candidates";
- (3) to attend "various rallies or campaign activities";
or
- (4) to allow the judge's name "to be used on campaign letterhead and other literature promoting the candidacies for one or more judicial offices."

For the reasons expressed in this Committee's Opinion No. 7, issued April 7, 1972, a copy of which is attached, the answer to the judge's question in each respect is "no".

7 April 1972

You have asked the Judicial Ethics Committee of the Maryland Judicial Conference to consider the extent to which members of the Maryland Judiciary may participate in a campaign sponsored by a nonpartisan committee in support of the election of Judge _____ to the Supreme Bench of Baltimore City and of Judge _____ to the Court of Special Appeals.

In Maryland, judges, with the exception of judges of the District Court of Maryland, are elected for their full fifteen year term by a political process. They must file for nomination in party primaries and are elected at a general election where other candidates for political office are chosen. If a candidate wins one party primary but fails to win the other, the name of each winner appears on the general election ballot in the same way as other opposing nominees except that no party designation appears. It is certainly known, however, that one candidate has won a Democratic primary and the other, a Republican primary.

We have given careful consideration to the question and have concluded that members of the judiciary may not within the bounds of propriety participate in such a campaign or make contributions in support of it.

In the first place, a nonpartisan committee is none the less partisan because it has no formal affiliation with a political party. The determination to support a candidate who may be singled out from a group of his opponents would seem to be as much of a partisan effort as the support of a candidate by one of the major political parties.

In the second place, the principal thrust of the Canons of Judicial Ethics and the Rules of Judicial Ethics adopted by the Maryland Judicial Conference, as well as that of the tentative draft of the Canons of Judicial Ethics promulgated by the American Bar Association, is directed at either the scope of activities in which a judge may engage in support of his own candidacy, which is permissible subject to certain limitations, or alternatively, at participation

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in political activities generally, which is proscribed.

Maryland Canon XXVII prohibits a judge from

"making political speeches, making or soliciting payment of assessments or contributions to party funds" and precludes "the public endorsement of candidates for political office."

Maryland Rules 3, 4 and 9 bear tangentially on the problem, barring political activity by a judge, except in support of his own candidacy. The Maryland Canon and Rules do not differ significantly from Canon 7 of the tentative American Bar Canons.

We have concluded that it would be improper for a judge publicly to support or endorse the candidacy of any individual seeking election to office, even though he be a judicial colleague. Nor would it be appropriate for a judge to make a contribution in support of a judicial candidate because Code (1957, 1971 Repl. Vol., 1971 Supp.) Article 33, §§26-11, 26-12, requires the filing of the names and addresses of contributors not less than seven days before and not more than 30 days after an election. This could certainly be regarded as an impermissible public endorsement.

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SENSITIVE

BEFORE THE FEDERAL ELECTION COMMISSION

83 APR 12 P 3: 57

In the Matter of)
)
Democratic Alliance (District 26)) MUR 1463
Hoyer for Congress Committee)
Citizens for Sarbanes Committee)

GENERAL COUNSEL'S REPORT

BACKGROUND

Charles Blumenthal filed a complaint with the Commission on August 19, 1982 alleging that a group calling itself the Democratic Alliance (District 26) and its treasurer, James Searles violated 2 U.S.C. § 441d by distributing a tabloid that failed to include a disclaimer as to who financed the tabloid.

The tabloid consists of pictures of a number of Democratic candidates from Maryland. Several of the individual's pictures are accompanied by what seems to be a synopsis of that individual's political accomplishments. Except for Senator Paul S. Sarbanes, a candidate for the U.S. Senate, and Congressman Steny H. Hoyer, a candidate for the U.S. House of Representatives, all of the individuals whose pictures appear are candidates for state or local offices. It appears that the tabloid is a listing of a slate of candidates which the Democratic Alliance was endorsing for the September 14, 1982 Democratic primary election.

On September 10, 1982 Mr. Blumenthal filed an amendment to the complaint. The amendment contained what appears to be a

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sample ballot which endorses the election of certain candidates including Steny H. Hoyer and Paul S. Sarbanes.

Responses to the complaint and amended complaint were filed by Democratic Alliance (District 26), Hoyer for Congress Committee, and Citizens for Sarbanes Committee.

On November 9, 1982 the Commission found reason to believe that the Democratic Alliance (District 26) violated 2 U.S.C. § 433 and § 434 for failure to register and file reports with the Commission. The Commission deferred action on finding reason to believe that a violation of 2 U.S.C. § 441d occurred. No findings were made as to the Hoyer for Congress Committee and Citizens for Sarbanes Committee.

Democratic Alliance (District 26) responded to the reason to believe notification on January 19, 1983 (Attachment I) and again on January 28, 1983 (Attachment II).

The Office of General Counsel after considering all of the facts in this matter, recommends that the Commission take no further action and close the file.

FACTUAL AND LEGAL ANALYSIS

Democratic Alliance (District 26) is a committee organized in part to support State Democratic candidates in the 26th Legislative District of Prince George's County, Maryland. Democratic Alliance (District 26) has registered and filed reports with the Maryland State Administrative Board of Election Laws. Prior to the Maryland Democratic primary election,

Democratic Alliance distributed to the general public a tabloid and a sample ballot endorsing a slate of candidates. Except for Paul S. Sarbanes, a candidate for the U.S. Senate, and Steny H. Hoyer, a candidate for the U.S. House of Representatives, all of the individuals who appear on the tabloid and ballot are candidates for state or local offices. The tabloid and ballot contained what is referred to by respondents as an "authority line" which states "Authority: James Searles, Treasurer." The name of the committee, Democratic Alliance (District 26), its address, and its telephone number are also contained on the tabloid and ballot.

Democratic Alliance (District 26) claims that it is not a federal committee in that it did not anticipate receiving contributions or making expenditures during the calendar year exceeding \$1,000 for Federal candidates. Democratic Alliance (District 26) is also not a local committee of a political party. Democratic Alliance (District 26) further states that Senator Sarbanes and Congressman Hoyer were featured on the "sample ballot" only insofar as they were on the same ticket with the local candidates (Attachment I).

The facts show that each individual appearing on the sample ballot was assessed a proportionate share of the cost of the publication. Sarbanes made his payment by check from Citizens for Sarbanes to Democratic Alliance. The amount paid was \$700. Hoyer made a \$700 payment by check from the Hoyer for Congress Committee directly to the printer. In a telephone conversation

with Democratic Alliance (District 26) and the Hoyer Committee, General Counsel staff determined that the cost of postage and dissemination was included in the amount assessed to each participant. It appears that the role of Democratic Alliance (District 26) was limited to organization and dissemination. It does not appear that the Democratic Alliance (District 26) realized any benefit over and above the actual cost paid by the Sarbanes Committee for its proportionate share of the brochure nor does it appear Democratic Alliance (District 26) made any expenditures to the benefit of the Sarbanes committee which went unreimbursed.

When questioned, Democratic Alliance (District 26) answered that it was not affiliated with the other Democratic Alliance committees in Maryland (Attachment II). Democratic Alliance (District 26) stated that the committees are "separate and distinct from one another and that the committees do not have a common charter, common officers or common support staff. Democratic Alliance (District 26) states that at no time was there any consultation or coordination between the several committees, since each was formed for the purpose of advancing the campaigns of the state and local candidates in its respective legislative district. The committees "almost never endorsed the same candidates since very few candidates were common to the several legislative districts.

2 U.S.C. § 431(4) defines a political committee as an organization which during a calendar year receives contributions

aggregating in excess of \$1,000 or makes expenditures in excess of \$1,000. The \$700 payment by the Sarbanes Committee (made to Democratic Alliance) could be considered as a contribution to Democratic Alliance (District 26). However, this payment was made specifically so that Sarbanes could be included on the tabloid and ballot. The \$700 payment made by the Hoyer Committee went directly to the printer, however. Accordingly, this payment might be characterized as an expenditure made by Hoyer for Congress for a media expense, rather than as a contribution to Democratic Alliance (District 26). Since both Sarbanes and Hoyer paid a proportionate share of the costs of the tabloid and ballot, in effect, they were participating in a political advertising campaign with Democratic Alliance (District 26).

Although the activity of Democratic Alliance (District 26) raises questions as to whether it is a political committee, the Office of General Counsel recommends that no further action be taken. We make this recommendation because Democratic Alliance (District 26) is a committee organized for state elections purposes, it appears it did not intend to enter into activity which would cause it to become a federal political committee, and, the Hoyer and Sarbanes Committees each paid a proportionate share of the costs for the advertising benefits received. Furthermore, since the Hoyer Committee paid its proportionate share directly to the printer, Democratic Alliance (District 26) can be said to have controlled but \$700 relating to a federal election. Whether the funds paid by Hoyer directly to the

printer can be attributable to Democratic Alliance (District 26)

is questionable.

2 U.S.C. § 441d requires that a disclaimer be affixed to political communications indicating who paid for and authorized the communication. The Hoyer for Congress Committee indicates that the disclaimer was deleted from the tabloid and ballot due to printer inadvertence. The Committee further states that all tabloids and ballots distributed subsequent to those submitted by the complainant had the proper disclaimer. On the other hand, Citizens for Sarbanes asserts that the Act does not require a Federal disclaimer if the expenditures in question are for publications "by a state candidate." In addition, Citizens for Sarbanes states that the "authority line" placed on the tabloid and ballot by Democratic Alliance (District 26) is sufficient in that it is in accordance with state law. Nonetheless, Citizens for Sarbanes indicates that in the future it will require state committees which publish similar literature to include a federal disclaimer.

The "authority line", although possibly meeting the requirements for committees under Maryland state law, does not meet the requirements of 2 U.S.C. § 441d. The "authority line" did not indicate who paid for the communication nor did it state if the communication was authorized by a federal candidate. However, an attempt was made by Democratic Alliance (District 26) to inform the public who was responsible for the tabloid and

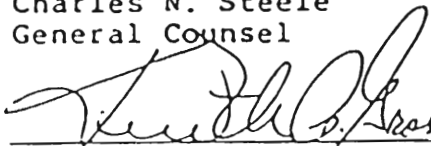
ballot. Democratic Alliance (District 26) listed its name and treasurer and its address and telephone number. Furthermore, the Hoyer for Congress Committee and Citizens for Sarbanes took steps to have a proper 2 U.S.C. § 441d disclaimer affixed to the tabloid and ballot once they found out about the omission. Accordingly, the Office of General Counsel recommends that no further action be taken with regard to a possible 2 U.S.C. § 441d violation.

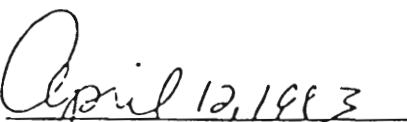
RECOMMENDATION

The Office of General Counsel recommends that the Commission take no further action and close the file in respect to Democratic Alliance, Hoyer for Congress Committee and Citizens for Sarbanes.

Charles N. Steele
General Counsel

BY:


Kenneth A. Gross
Associate General Counsel

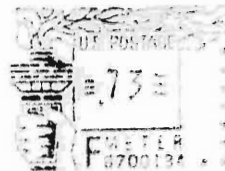

Date

Attachments

1. Bregman letter of January 19, 1983
2. Bregman letter of January 28, 1983
3. Letter to Doug Bregman
4. Letter to Charles Kerr
5. Letter to Doug Bregman
6. Letter to Charles Blumenthal

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Office of
ARTHUR A. MARSHALL
State's Attorney for
PRINCE GEORGE'S COUNTY
UPPER MARLBORO, MARYLAND 20772



Federal Election Commission
Charles N. Steele, General Counsel
Washington, D.C. 20463

DOUGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

BETHESDA, MARYLAND 20814

TELEPHONE (301) 656-2707

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK †

OF COUNSEL
RODERICK H. ANGUS

ADMITTED TO PRACTICE IN VA., D.C.

* ADMITTED TO PRACTICE IN MD., D.C.

† ADMITTED TO PRACTICE IN D.C.

March 1, 1985

Duane Brown, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 1887

Dear Mr. Brown:

I have been asked by Gary R. Alexander of the Prince George's County Democratic Central Committee ("Central Committee") to respond to a "complaint" lodged with your Commission by Arthur A. Marshall, Jr. Notice of the complaint was made to Mr. Alexander in a letter from Kenneth A. Gross dated February 4, 1985. In an effort to assist your evaluation I have obtained certain documentation (eg. copies of checks) which are relevant to this response and which I am providing to you with this letter.

There appear to be two issues raised by Mr. Marshall's letter. First, that there may have been some violation of the Federal Election Campaign Act ("Act") based on a contribution by the Committee to Elect Sitting Judges ("Sitting Judges") to the Republican Screening Committee. Second, that the expenditures made by the Sitting Judges for printing and mailing of a sample ballot in some way violated the Act.

First, as to the \$1500.00 contribution to the Screening Committee, we perceive no basis for a complaint where a state committee (such as the Sitting Judges) contributes to another committee which supports federal, state and local candidates, so long as the state committee intends the contribution to be used for state and local candidates. The Sitting Judges gave that \$1500.00 with the intention that the Screening Committee use it for the purpose of influencing the election of state and local candidates, specifically sitting judges. According to the regulations a contribution is not a contribution within the meaning of the Act unless it is made "for the purpose of influencing any election for federal office..." 11 CFR 100.7 (a)(1). So, based on what was alluded to in Mr. Marshall's "complaint," it seems clear that a gift given for the purpose of electing nonfederal candidates is not a violation of the Act even where the receiving organization may carry on activities for both federal and nonfederal elections.

MUR 1887 THE FEC
HCC# 6831
85 MAR 6 49: 11

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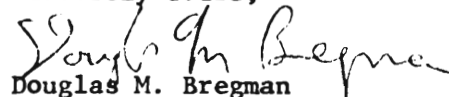
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Second, Mr. Marshall suggests some impropriety in the Sitting Judge's participation in a sample ballot which promoted both federal and nonfederal candidates. The sample ballot in question cost a total of \$15,100.00 to print and this cost was split equally among the Hoyer for Congress Committee, the Central Committee and the Sitting Judges. The three way split represents a reasonable apportionment between the portion of the ballot dedicated to federal candidates and the portion dedicated to nonfederal candidates. The cost relative to federal candidates (\$10,066.66) was paid out of funds raised in accordance with the Act. One third was allocated to the election of sitting judges. Enclosed are copies of checks which substantiate the pro rata allocation. Please note that the part paid by the Central Committee was derived from that committee's "Federal Account." In other words, the Central Committee contributed to the sample ballot from funds which were raised in conformance with the Act. According to 11 CFR 108(b)(10) and 11 CFR 104.10 it appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment between federal and nonfederal elections is reasonable. The Sitting Judges contributed to that sample ballot solely for promotion of sitting judges who were included in the sample ballot. On this basis it seems clear that no nonfederal candidate funds were used or expended for federal candidates and therefore, there does not appear to be a violation of the Act. This allocation method was recommended by Todd Johnson of the Federal Election Commission staff. The decision to follow this procedure was based upon his advice.

Based on the foregoing, it is our opinion that no contributions or expenditures were made in violation of the Act.


If you have any further questions or need any additional information, please feel free to contact me.

Sincerely Yours,


Douglas M. Bregman

DMB:lbm
Enclosures

cc. Hon. Steny Hoyer
Gary R. Alexander, Esq.

PRINCE GEORGES DEMOCRATIC COMMITTEE FEDERAL ACCOUNT 1002
 8507 RED WING LANE
 LANHAM, MD 20706
 October 15 1984 85-2981
 550
 PAY TO THE ORDER OF Guthrie Lithograph Co., Inc. \$ 5,033.33
 Five Thousand Thirty Three and 33/100-----DOLLARS
 **Citizens Bank of Maryland**
 RIVERDALE, MD 20737
 MEMO 1/3 Ballot Exp.
 ⑆055002969⑆010 5197⑈000⑈1002 ⑈0000503333⑈

HOYER FOR CONGRESS
 6108 OLD SILVER HILL ROAD
 DISTRICT HEIGHTS, MD. 20747

SUBURBAN BANK
 CLINTON OFFICE
 CLINTON, MD 20735

1103

October 16 1984 85-234
 550

PAY Five thousand thirty-three and 33/100*****DOLLARS \$5033.33

TO THE ORDER OF

Guthrie Lithograph, Inc.
 Evarts Street
 Washington, D.C.

Edith H. Hoyer
 ⑈001103⑈ ⑆05500234⑆01 38 0716 8⑈ ⑈0000503333⑈

COMMITTEE TO ELECT SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
 BETHESDA, MD 20814

175

85-328
 550

PAY TO THE ORDER OF

Guthrie Lithograph, Inc.

70-22-64 004 01 0554

\$

205566219

DOLLARS



Central National Bank of Maryland
 Silver Spring, Maryland 20903

FOR

⑈000175⑈ ⑆055003269⑆

0307363701⑈

⑈0000503333⑈

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JGLAS M. BREGMAN.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7815 WISCONSIN AVENUE

SUITE 800 WEST

ETHESDA, MARYLAND 20814



SEP 11 1973



Duane Brown, Esquire
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

ACCH 6809

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

Brown

DOUGLAS M. BREGMAN *
LAURENCE H. BERBERT *
LOREN B. MARK †

TELEPHONE (301) 656-2707

March 1, 1985

* ADMITTED TO PRACTICE IN MD., D.C.
† ADMITTED TO PRACTICE IN D.C.

OF COUNSEL
ROBERT H. ANGUS
ADMITTED TO PRACTICE IN VA, D.C.
RECEIVED
GENERAL COUNSEL
MAR 4 1985
P 5:05

Duane Brown, Esq.
Federal Elections Commission
1325 K Street, N.W.
Washington, D.C. 20463

Re: MUR 1887

Dear Mr. Brown:

I have been asked by Gary R. Alexander of the Prince George's County Democratic Central Committee ("Central Committee") to respond to a "complaint" lodged with your Commission by Arthur A. Marshall, Jr. Notice of the complaint was made to Mr. Alexander in a letter from Kenneth A. Gross, dated February 4, 1985. In an effort to assist your evaluation I have obtained certain documentation (e.g., copies of checks) which are relevant to this response and which I am providing to you with this letter.

There appear to be two issues raised by Mr. Marshall's letter. First, that there may have been some violation of the Federal Election Campaign Act ("Act") based on a contribution by the Committee to Elect Sitting Judges ("Sitting Judges") to the Republican Screening Committee. Second, that the expenditures made by the Sitting Judges for printing and mailing of a sample ballot in some way violated the Act.

First, as to the \$1,500.00 contribution to the Screening Committee, we perceive no basis for a complaint where a state committee (such as the Sitting Judges) contributes to another committee which supports federal, state and local candidates, so long as the state committee intends the contribution to be used for state and local candidates. The Sitting Judges gave that \$1,500.00 with the intention that the Screening Committee use it for the purpose of influencing the election of state and local candidates, specifically. According to the regulations a contribution is not a contribution within the meaning of the Act unless it is made "for the purpose of influencing any election for federal office ..." 11 CFR 100.7 (a)(1). So, based on what was alluded to in Mr. Marshall's "complaint", it seems clear that a contribution given for the purpose of electing nonfederal candidates is not a violation of the Act even where the receiving organization may carry on activities for both federal and nonfederal elections.

86040573751

86040573752

Second, Mr. Marshall suggests some impropriety in the Sitting Judges' participation in a sample ballot which promoted both federal and nonfederal candidates. The sample ballot in question cost a total of \$15,100.00 to print and this cost was split equally among the Hoyer for Congress Committee, the Central Committee and the Sitting Judges. The three way split represents a reasonable apportionment between the portion of the ballot dedicated to federal candidates and the portion dedicated to nonfederal candidates. The cost relative to federal candidates (\$10,066.66) was paid out of funds raised in accordance with the Act. One third was allocated to the election of sitting judges. Enclosed are copies of checks which substantiate the pro rata allocation. Please note that the part paid by the Central Committee was derived from that committee's "Federal Account." In other words, the Central Committee contributed to the sample ballot from funds which were raised in conformance with the Act. According to 11 CFR 108(b)(10) and 11 CFR 104.10 it appears proper for a state committee such as the Sitting Judges to participate in a sample ballot so long as the apportionment between federal and nonfederal elections is reasonable. The Sitting Judges contributed to that sample ballot solely for promotion of sitting judges who were included in the sample ballot. On this basis it seems clear that no nonfederal candidate funds were used or expended for federal candidates and, therefore, there does not appear to be a violation of the Act. This allocation method was recommended by Todd Johnson of the Federal Election Commission staff. The decision to follow this procedure was based upon his advice.

Based on the foregoing, it is our opinion that no contributions or expenditures were made in violation of the Act.

If you have any further questions or need any additional information, please feel free to contact me.

Sincerely yours,


Douglas M. Bregman

DMB:jls
Enclosures

cc: Hon. Steny Hoyer
Gary R. Alexander, Esq.

COMMITTEE TO ELIMINATE SITTING JUDGES

7315 WISCONSIN AVE., SUITE 800 W
BETHESDA, MD 20814

175

October 17 1984

PAY TO THE
ORDER OF

Guthrie Lithograph, Inc.

10-22-84 004 01 0554

205585219

Five Thousand Thirty Three and 33/100 DOLLARS



Central National Bank of Maryland
Silver Spring, Maryland 20903

FOR

000175 055003269

0307363701

0000503333

3040573733

FOR DEPOSIT

ACCOUNT

GUTHRIE LITHOGRAPH CO., INC.

1099 04 3

10-22-84

004 01 0554

205585219

Five Thousand Thirty Three and 33/100

010-22-84 004 01 0554 205585219
FIVE THOUSAND THIRTY THREE AND 33/100 DOLLARS

PRINCE GEORGES DEMOCRATIC COMMITTEE FEDERAL ACCOUNT

8507 RED WING LANE
LANHAM, MD 20708

1002

October 15 1984

65-2961
850

PAY TO THE
ORDER OF Guthrie Lithograph Co., Inc.

\$ 5,033.33

Five Thousand Thirty Three and 33/100-----DOLLARS



MEMO 1/3 Ballot Exp.

055002969010 519700001002 0000503333

John

FOR DEPOSIT
ACCOUNT
GUTHRIE LITHOGRAPH CO., INC.
1000 WASHINGTON DC
15-7 15-7

OCT 17 94

65-296

PAID
OT - 17

HOYER FOR CONGRESS
6108 OLD SILVER HILL ROAD
DISTRICT HEIGHTS, MD. 20747

SUNBANK
CLINTON OFFICE
CLINTON, MD 20735

1103

October 16 1984

65-234
550

PAY Five thousand thirty-three and 33/100***** DOLLARS \$5033.33

TO
THE
ORDER
OF

Guthrie Lithograph, Inc.
Evarts Street
Washington, D.C.

Elizabeth W. Hower

⑈001103⑈ ⑆055002341⑆ 38 0716 8⑈ ⑈0000503333⑈

DELUXE CHECK PRINTERS

GLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING

7315 WISCONSIN AVENUE

SUITE 800 WEST

ETHESDA, MARYLAND 20814

Duane Brown, Esq.

Federal Elections Commission

1325 K Street, N.W.

Washington, D.C. 20463

25 MAR 1978

4

P 3

56

STANLEY C.

DOUGLAS M. BREGMAN, P.A.
ATTORNEY AT LAW
THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE
SUITE 800 WEST
BETHESDA, MARYLAND 20814

DOUGLAS M. BREGMAN
LAURENCE H. BERBERT
*ADMITTED TO PRACTICE IN MD., D.C.

TELEPHONE (301) 656-2707

February 22, 1985

85 FEB 25 P 1:37

OF COUNSEL
RODERICK H. ANGUS
ADMITTED TO PRACTICE IN VA., D.C.

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

Re: MUR 1887

Dear Mr. Brown:

Thank you for discussing the above-referenced matter with me.

Enclosed please find the Designation of Counsel form signed by the Central Committee Chairman.

Finally, by this letter I am memorializing the extension of time until March 1, 1985 you granted within which I can provide you with a written response to the matters raised in the Commission's letter dated February 4, 1985.

Sincerely yours,


Douglas M. Bregman

DMB:lmw
Enclosure

cc: Gary R. Alexander, Esq.

86040573756

STATEMENT OF DESIGNATION OF COUNSEL

FOR 1987

NAME OF COUNSEL: DOUGLAS M. BREGMAN, ESQ.

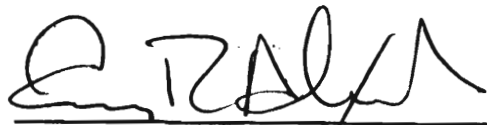
ADDRESS: 7315 Wisconsin Avenue

Bethesda, Maryland 20814

TELEPHONE: 656-2707

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.

February 13, 1985
Date


Signature

RESPONDENT'S NAME: PRINCE GEORGE'S COUNTY DEMOCRATIC
CENTRAL COMMITTEE

ADDRESS: Gary R. Alexander, Chairman
10905 Fort Washington Road, #307
Fort Washington, Maryland 20744

HOME PHONE: _____

BUSINESS PHONE: 292-3300

86040573757

UGLAS M. BREGMAN, P.A.

ATTORNEY AT LAW

THE AIR RIGHTS BUILDING
7315 WISCONSIN AVENUE

SUITE 800 WEST
BETHESDA, MARYLAND 20814



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

Adch 6756

copy



STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY
ARTHUR A. MARSHALL, JR.
COURT HOUSE
UPPER MARLBORO, MARYLAND 20772
952-3583

1887

February 20, 1985

American Bar Association
STANDING COMMITTEE ON PROFESSIONAL ETHICS
Attention: Lisa Milord,
Center for Professional Responsibility
750 North Lakeshore Drive
Chicago, Illinois 60611

Dear Ms. Milord:

Enclosed please find a letter dated February 12, 1985, from the State of Maryland's Commission on Judicial Disabilities. I am certain that they meant (in the second sentence) that they are not in a position to issue advisory opinions.

As I am sure you are aware, my prior complaint resulted in their response of "your complaint does not come within our jurisdiction" (see letter of November 20, 1984). Subsequent to that, they reversed themselves and stated that "it is the proper forum for complaints against members of the Maryland judiciary," and "likewise feels that it may decide when matters come within its jurisdiction." (See letter dated December 18, 1984.)

Now they indicate that they are either in, or not in, a position to issue advisory opinions.

I do not know where else to turn, and greatly would appreciate your rendering an appropriate opinion, if possible.

Thanking you, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.

Enclosures
cc: Federal Election Commission
(Duane Brown, Esquire)
Commission on Judicial Disabilities
(Howard Wallin, Exec. Secretary)
AAM/mar

85040573759

CHAIRMAN
RICHARD P. GILBERT
Chief Judge
Court of Special Appeals
Annapolis, Maryland 21401



STATE'S ATTORNEY
STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES
PR. GEO. CO., MD.

EXECUTIVE SECRETARY
HOWARD E. WALLIN
University of Baltimore
Law School
Charles St. at Mount Royal
Baltimore, Maryland 21201
301-625-3086

February 12, 1985

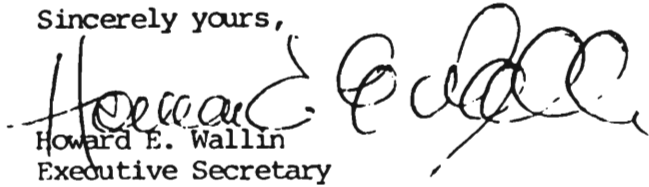
The Honorable Arthur A. Marshall, Jr.
State's Attorney for Prince George's County
Court House
Upper Marlboro, Maryland 20772

In re: CJD 420

Dear Mr. Marshall:

I have discussed your letter of January 22, 1985 with Commission members. They feel that they are in a position to issue advisory opinions. Therefore, the Commission will not comment on the contents of your letter. Thus, no assumptions or inferences should be made on the basis of Commission's silence in this matter.

Sincerely yours,


Howard E. Wallin
Executive Secretary

HEW:mtk

86040573760

CHAIRMAN
RICHARD P. GILBERT
Chief Judge
Court of Special Appeals
Annapolis, Maryland 21401



STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES

EXECUTIVE SECRETARY
HOWARD E. WALLIN
University of Baltimore
Law School
Charles St. at Mount Royal
Baltimore, Maryland 21201
625-3086

November 20, 1984

Arthur A. Marshall, Jr.
State's Attorney for
Prince George's County
P.O. Box 7
Upper Marlboro, Maryland 20772

In re: CJD 420

Dear Mr. Marshall:

This is to acknowledge receipt of your recent letter of complaint regarding a member of the Maryland Judiciary.

The Maryland Commission on Judicial Disabilities is a constitutional body authorized by Art. IV, 4B of the Maryland Constitution. It provides that the Commission may recommend to the Court of Appeals the removal or retirement of a judge or that a judge be censured upon a finding of misconduct while in office or persistent failure to perform the duties of his office or of conduct prejudicial to the proper administration of justice.

The Commission does not have power to investigate or discipline attorneys, federal judicial officers, administrative officers, members of the Legislature, or members of the police force.

The Commission is not empowered to act as a court of review to grant relief to the parties, or to seek or assist in seeking such relief by litigation. The sole authority and jurisdiction of the Commission is to determine the existence of judicial misconduct as the same is defined by the Constitution of Maryland and the governing Maryland Court of Appeals Rules, and where appropriate, to recommend to the Court of Appeals the imposition of disciplinary action. The complaining party should, therefore, pursue his legal remedies by appropriate action, as he may desire, without regard to any action which the Commission may in the future take with regard to the grievance.

:

If you feel that conduct of any judicial officer with whom you have had contact was such as to give the Commission jurisdiction under the criteria set forth above, you should complete a verified (notarized) statement alleging facts indicating that a judge has committed acts constituting misconduct in office or persistent failure to perform the duties of his office or conduct prejudicial to the proper administration of justice or that he has a disability seriously interfering with the performance of his duties which is, or is likely to become permanent.

36040573761

Arthur A. Marshall, Jr.
November 20, 1984
Page Two

Commission members have determined that your complaint does not come within our jurisdiction. Therefore, we are dismissing this complaint and closing our file on the matter.

Sincerely yours,


Howard E. Wallin
Executive Secretary

HEW:mtk

36040573762

CHAIRMAN
RICHARD P. GILBERT
Chief Judge
Court of Special Appeals
Annapolis, Maryland 21401



STATE OF MARYLAND
COMMISSION ON JUDICIAL DISABILITIES

EXECUTIVE SECRETARY
HOWARD E. WALLIN
University of Baltimore
Law School
Charles St. at Mount Royal
Baltimore, Maryland 21201
301-625-3086

December 18, 1984

The Honorable Arthur A. Marshall, Jr.
State's Attorney for Prince George's County
Court House
Upper Marlboro, Maryland 20772

In re: CJD 420

Dear Mr. Marshall:

I have discussed with the Commission your letter to me dated December 4, 1984. While the Commission agrees that it is the proper forum for complaints against members of the Maryland Judiciary, it likewise feels that it may decide when matters come within its jurisdiction. Therefore, it dismissed the complaint that you had filed.

Sincerely yours,

A handwritten signature in cursive script, reading "Howard E. Wallin".
Howard E. Wallin
Executive Secretary

HEW:mtk

36040573763

Office of
ARTHUR A. MARSHALL
State's Attorney for
PRINCE GEORGE'S COUNTY
MARLBORO, MARYLAND 20772



Duane F. Brown, Esquire
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

3604037376

011000





FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

February 4, 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Gary R. Alexander, Esquire
Chairman
Prince George's Democratic
Central Committee
10905 Fort Washington Road
Fort Washington, Maryland 20744

Re: MUR 1887

Dear Mr. Alexander:

This letter is to notify you that on January 28, 1985 the Federal Election Commission received a complaint which alleges that the Prince George's Democratic Central Committee 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 1887. 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 Prince George's Democratic Central Committee 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.

35040573765

If you have any questions, please contact Duane Brown, 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

96040573766



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 1985

Arthur A. Marshall, Jr.
Court House
Upper Marlboro, Maryland 20772

Dear Mr. Marshall :

This letter is to acknowledge receipt of your complaint which we received on January 28, 1985, against the Prince George's Democratic Central Committee, 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.

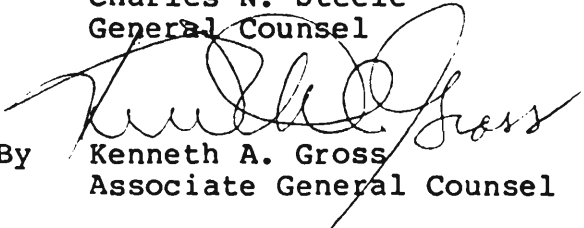
You will be notified as soon as the Commission takes final action on your complaint. Should you have or receive any additional information in this matter, please forward it to this office. We suggest that this information be sworn to in the same manner as your original complaint. For your information,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

Further, with regard to your correspondence dated October 4, 1984 and follow up letters, as discussed previously, those letters did not meet the requirements for a properly filed complaint. Thus, the Commission closed the file on the matter designated Pre-MUR 131.

As stated, however we will advise you as soon as the Commission takes final action in the new matter filed January 28, 1985. If you have any questions, please contact Cheryl Thomas at (202) 523-4143.

Sincerely,

Charles N. Steele
General Counsel

By 
Kenneth A. Gross
Associate General Counsel

Enclosure

36040573767



STATE'S ATTORNEY FOR PRINCE GEORGE'S COUNTY
ARTHUR A. MARSHALL, JR.
COURT HOUSE
UPPER MARLBORO, MARYLAND 20772
952-3583

85 JAN 28 P 2:16

MUR 1887

January 22, 1985

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

On September 28, 1984, I wrote to you relative to what appeared potential violations of federal law. This was followed up by my letters of October 9, October 19, and October 30. I thought everything had been complied with relative to law, until a more recent phone call from your office requested that the complaint be submitted under oath.

Enclosed please find my letters of September 28, October 9, October 19, and October 30, 1984. I will, under the penalties of perjury, submit that the information contained therein is true and correct to the best of my knowledge, information, and belief.

In the most recent report filed by the Committee to Elect the Sitting Judges, a One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) contribution was made to the "Republican Screening Committee," which I assume is the same "Republican Candidate Screening Committee" which advocated the election not only of the "sitting judges" but also of federal candidates (see page 29).

On page thirty-two (32) of the same report there was a Five Thousand Thirty-Three and 33/100 Dollars (\$5,033.33) contribution made to Guthrie Lithographics, which was a payment for printing of the sample ballot supporting all the Democratic nominees, including federal candidates. I am enclosing one of the Democratic sample ballots. There were other sample ballots indicating the same, however, the photographs reflect the federal candidates Mr. Mondale and Ms. Ferraro, rather than Mr. Jackson. This information I am certain is available through the Democratic Party.

- c o n t i n u e d -

To: Charles N. Steele, Esquire
January 22, 1985
Page Two

The reason I write is to understand fully what the law is, and to have your advices in light of the fact that it may well be that not only will I seek election in the future to one of the judicial offices, but also, once again, I would be running against a "sitting judge" and would like to be able to prohibit the violation of the law in advance--as was my intention in this past election--rather than to file a complaint after the harm has been done.

If you have any questions, please do not hesitate to contact me.

Sincerely,

ARTHUR A. MARSHALL, JR.

Enclosures
AAM/mar

STATE OF MARYLAND)

ss:

COUNTY OF PRINCE GEORGE'S)

I HEREBY CERTIFY, under the penalties of perjury, that the foregoing information, and the information contained in the attachments hereto, is true and correct to the best of my knowledge, information, and belief.

WITNESS my hand and seal this 22nd day of January, 1985.

ARTHUR A. MARSHALL, JR.

Mary Alice Ruslander

Notary Public

My commission expires: 07/01/86

86040573770

September 28, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Recently it was brought to my attention that in the forthcoming election there are potential violations both of federal and of state laws, as well as possible violations of the Canons of Judicial Ethics, by at least two of the judicial candidates in Prince George's County.

I have written the attached letter and would greatly appreciate your looking into this matter.

Thanking you for your attention in this matter, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

October 9, 1984

Charles N. Steele, Esquire
General Counsel
FEDERAL ELECTION COMMISSION
1325 K Street, N.W.
Washington, D.C. 20463

Dear Mr. Steele:

Last week I wrote to you regarding Judges Ahalt and Johnson in Prince George's County, Maryland, who are running for election.

I have been advised that the two "Sitting Judges" have decided to proceed with the publication of materials (see attached), turning what I believe to be a non-partisan election clearly into a partisan election, in violation--in my opinion--of the Canons of Judicial Ethics and of the Federal Election Campaign Act. I greatly would appreciate your looking into this matter and apprising the appropriate parties as to your findings.

Pointing out that the election is less than four (4) weeks away, I would request that this be handled immediately so that proper decisions can be made and so that sanctions will not have to be brought.

Thanking you, I remain

Sincerely,

ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosure

36040573771



Arthur A. Marshall, Jr.

Prince George's County State's Attorney

October 19, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

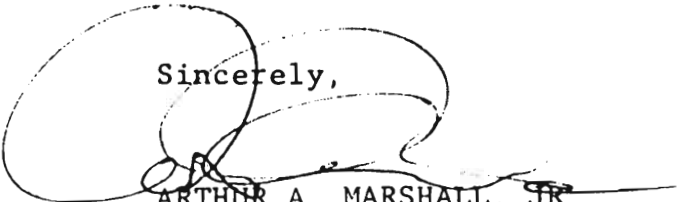
Dear Judge Gilbert:

Enclosed please find a copy of a primary sample-ballot that the "Sitting Judges" have admitted to preparing and paying for, purporting to support certain Republican candidates. This was mailed to all Republicans in the Fifth Congressional District of Maryland just prior to the May 8 primary. I believe this clearly is a violation of the Canons of Judicial Ethics and I believe it incumbent upon yourself and your Committee to act immediately; certainly even an oral opinion directed to the "Sitting Judges" as to your findings would be of some assistance.

Also enclosed are copies of some materials which had been sent to you previously, for I have been advised that you had not received same.

The election now is only two (2) weeks away.

Sincerely,


ARTHUR A. MARSHALL, JR.
State's Attorney for
Prince George's County

Enclosures

86040573772



Arthur A. Marshall, Jr.
Prince George's County State's Attorney

October 30, 1984

The Honorable Richard P. Gilbert,
Chairman
COMMISSION ON JUDICIAL DISABILITIES
c/o Courts of Appeal Building
Rowe Boulevard & Taylor Avenue
Annapolis, Maryland 21401

Dear Judge Gilbert:

Recognizing that nothing will be done prior to the election of next week, I am forwarding to your attention a copy of a letter which I have written--with enclosures--to the Federal Election Commission.

I believe that this particular political activity on the part of the "Sitting Judges" is a violation of the Canons of Judicial Ethics.

So that prospectively other judges who are required by the Constitution of the State of Maryland to seek election have the benefit of your committee's guidance, I would hope that you will thoroughly review these matters and render an appropriate opinion.

Your guidance would be welcome, I am certain, by all judges who might have to run in the election of 1986, as well as by their prospective opponents.

Thanking you, I remain

Sincerely,


ARTHUR A. MARSHALL, JR.

Enclosures

86040573773

Our two very qualified and able jurists, Circuit Court judges Monty Ahalt and Hovey Johnson, are seeking to be returned to their positions. I fully support their efforts and urge you to vote for them on Election Day.

STENY H. HOYER



U.S. CONGRESS
STENY H.
HOYER

2A

SITTING JUDGES — CIRCUIT COURT

ARTHUR M. MONTY
Jr.

9A

G.R. HOVEY
JOHNSON

10A



VOTE DEMOCRATIC

INTEGRITY

EXPERIENCE



HEADQUARTERS:
PRINCE GEORGE'S COUNTY
DEMOCRATIC PARTY
10664 CAMPUS WAY SOUTH
UPPER MARLBORO, MARYLAND 20772
350-9102



**DEMOCRATIC
SAMPLE BALLOT**



MONDALE

for America

FERRARO



1A



Congressman Steny Hoyer and Rev. Jesse Jackson

VOTE DEMOCRATIC

... this race is not only about electing a President, it is also about electing state and local officials on every level ... from tax assessor, to your congressional representative ...

REV. JESSE JACKSON

Opening Ceremony of Democratic Party Headquarters, Kettering Shopping Center

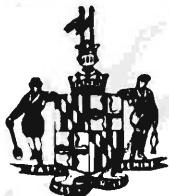
Authority: National Rainbow Coalition, Inc.

GENERAL ELECTION
Tuesday, November 6, 1984

PAID FOR BY: Gary R. Alexander, Chairman, Prince George's County Democratic Central Committee

BOOK
US POSTAGE
PERMIT NO.
RIVERDALE
40573771

Office of
ARTHUR A. MARSHALL
State's Attorney for
PRINCE GEORGE'S COUNTY
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FEDERAL ELECTION COMMISSION

1125 K STREET NW
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