



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2330^E
DATE FILMED 11/29/87 CAMERA NO. 3
CAMERAMAN AS

87040561458

PUBLIC RECORD INDEX - MUR 2330

1. Complaint, dtd 12 Dec 86, filed by Maureen Kennedy Salamon.
2. Ltr, dtd 5 Feb 87, Lois G. Lerner (Assoc. General Counsel) to M.K. Salaman.
3. Ltr, dtd 5 Feb 87, L.G. Lerner to Faye Miller (Treas, Populist Party of the United States).
4. Response, dtd 25 Feb 87, William K. Shearer (Parliamentarian, Populist Party).
5. First General Counsel's Report, 30 March 87.
6. Certification of Commission action, 9 Apr 87.
7. Clsg. ltrs, dtd 10 Apr 87, Lawrence M. Noble to a) M.K. Salaman and b) F. Miller

-END-

NOTE: In preparing its file for the public record, O.G.C. routinely removes those documents in which it perceives little or no public interest, and those documents, or portions thereof, which are exempt from disclosure under the Freedom of Information Act.

87040561459

RECEIVED AT THE FEC
CCC#2569
87 JAN 27 #2: 92

1177 California Street
Suite 1608
San Francisco, CA 94108
December 12, 1986

Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Gentlemen:

This is a revision of a previous letter addressed to the Federal Election Commission and acknowledged by the FEC on June 10. Because my initial letter, which was meant to serve as a formal complaint, did not meet FEC requirements in that regard, I have revised the letter appropriately.

Since the letter was first sent, and subsequently returned, I have been informed that the FEC has entered into investigations of MURs 2176; Because my complaint directly addresses some of the questions involved in these matters, I believe that the information contained herein in your pursuit of the individual and joint investigations of these matters.

Permit me to first explain my interest in the Populist Party.

In 1984 I was a candidate for the party's presidential nomination. At the party's first national convention in Nashville I was nominated by the delegates in attendance as the Populist Party's candidate for vice president of the United States. My name appeared on the ballot in fourteen states and the Populist ticket drew some 66,000 votes nationwide.

At a post-election meeting of the Populist Party's executive committee, conducted in Washington, DC in November of 1984, I was elected to the executive committee and at the first national committee meeting of the Populist Party in Chicago in March of 1985, the assembled committee members ratified my election to the executive committee.

I currently serve as national vice chairman of the Populist Party of the United States, having been elevated to that post when then-vice chairman John M. Couture assumed the chairmanship under circumstances which I will shortly detail.

There are some 20,000 dues-paying members of the Populist Party nationwide. They are all sincere patriots who put their faith in the Populist Party leaders to whom they entrusted positions of influence. The party members expect honest and forthright leadership: they reject anything less.

I believe that as national vice chairman of the party, and as its 1984 vice presidential nominee, I owe a special duty to the party's members to ensure that their trust has not been misplaced. For this reason I am bringing to the attention of the FEC

97040561450

JAN 28
ALL:

a number of matters which I believe reflect a deliberate and well-planned effort by certain members of the party's executive committee to avoid both the party's legitimate debts as well as the party's obligation to file accurate and timely reports with the FEC as required by federal law.

It is my opinion that the party's executive committee, as currently constituted, has been functioning illegally, in violation of the party's by-laws which were ratified by the delegates to the Populist Party National Convention in Nashville on August 18, 1984. A copy of these resolutions is attached as Exhibit A.

In the context of the matters I am about to relate, please note that the by-laws, Section IV (relating to "Officers"), read as follows: "Officers may be removed by a majority vote of the National Committee." Under no circumstances can it be inferred that the executive committee has the power to remove a party officer.

(The executive committee of the National Committee is composed of the following officers: Chairman, Vice Chairman, Secretary, Treasurer and Parliamentarian "plus such assistant officers as may be required," according to the party by-laws).

At this time, however, the executive committee is being presided over by a chairman who is that in name only: John Couture of Wisconsin. It is my opinion, based on my inside knowledge of party affairs, that the installation of Couture as chairman, following the illegal removal of his predecessor, was part and parcel of a scheme designed, as previously suggested, to avoid both the party's legitimate debts as well as the party's obligation to file accurate and timely reports with the FEC.

Please permit me to elaborate.

On September 19, 1985, during a telephonic conference of the executive committee, William K. Shearer of California, the parliamentarian of the executive committee, informed the committee that then-chairman Fred R. Seipold of Arizona had orally announced his resignation from the chairmanship in a private conversation between Shearer and Seipold. Shearer informed the executive committee that Seipold had indicated his intention to provide his resignation in writing. Seipold has not done so, and for very good reason.

I have learned, from Mr. Seipold himself, that he did not, in fact, offer his resignation at any time, either orally or in writing, and that Shearer's statements to that effect were totally and completely false.

Acting in response to Shearer's announcement, the executive committee elected John Couture, then the vice chairman, as chairman of the committee. As a member of the committee, I was elevated to the post of vice chairman upon Couture's assumption of the position that Seipold had ostensibly vacated.

I accepted the vice chairmanship on good faith, assuming, at the time, that Shearer's statements regarding Seipold's alleged resignation were indeed correct. It was only later that I learned the truth concerning the matter. And in light of subsequent developments, the purpose behind the forced removal of Fred Seipold became readily apparent.

87040561451

In short, and as stated beforehand, those responsible for Seipold's removal have launched a well-planned effort to avoid the financial responsibilities of the Populist Party to its legitimate creditors who include, among others, Seipold himself. This same group has also sought to avoid fulfilling responsibilities to the party's membership, most notably the necessity of filing proper party records for the year 1985 with the Federal Election Commission as required by federal law.

(The party's debts to Mr. Seipold have been referred to in the interim audit report by the FEC of the Populist Party's activities during the 1984 election cycle. The section of the report, dated April 3, dealing with Mr. Seipold's services to the party, is Section III, Part I. The FEC officer responsible for the audit division's examination of Populist Party affairs is Mr. John Mamone).

Mr. Seipold, as an attorney, was fully conscious of the party's obligations and was committed to taking all necessary action to abide by these obligations.

However, following the removal of Seipold as chairman, those in command of the executive committee took actions which have been designed to escape these obligations.

Shortly after Seipold's illegal ouster, treasurer Faye Miller proceeded to register a new Populist Party committee with the FEC without either the approval of the party's executive committee or the national committee or without dissolving the previous committee registered by her predecessor, Clara Sandahl. (Mrs. Sandahl served in that post from the formation of the party in February of 1984 until March 9, 1985 at which time Mrs. Miller was elected treasurer at the first national committee meeting held in Chicago).

In registering the new committee with the FEC Mrs. Miller also failed to note that the registration form was an amended form to that filed by Mrs. Sandahl. Mrs. Miller likewise failed to note the existence of the first official Populist Party bank account located at the National Capital Bank in Washington, D.C. It was through this account that the national party had conducted its financial transactions from the inception of the party through the period in which Mrs. Miller established a second party account at the AmSouth Bank N.A. in Mobile, Alabama.

Therefore, it is my opinion that Mrs. Miller filed false, erroneous and incomplete information with the FEC and as a result is subject to the penalties of 2 U.S.C. § 437g.

The false registration filed by Mrs. Miller is identified in FEC records as ID# C00201343. Mrs. Miller can be contacted at PO Box 277, Dauphin Island, Alabama 36528.

(From February 1984 through March 9, 1985 the party's national headquarters were located at 130 Third Street, SE, Washington, DC 20003. From mid-March 1985 through mid-September of that year the headquarters were located at 2303 N. 44th Street - Suite 14-345, Phoenix, Arizona where Fred Seipold managed party affairs as the national chairman. Following Seipold's ouster, the national headquarters were promptly removed to 6065 Mission Gorge Road, Box 211, San Diego, California 92120 where the party's affairs are now in the hands of Miss Nancy Shearer, the daughter of executive committee member William K. Shearer who orchestrated the removal of Chairman Seipold).

87040561462

Based upon my own observations and upon information I have since acquired, I believe that the removal of Seipold and the subsequent registration of a new committee with the FEC, under false pretenses, and without having either terminated the previous committee (FEC ID# C00186726) or even noting its existence, were designed with two distinct aims in mind:

- * Avoidance of debts incurred by the Populist Party during its organizational efforts in 1984 during the period when the party's headquarters were located in Washington (and which are now being examined by the audit division of the FEC) and
- * Avoidance of the federally-required responsibility of the party (through its national treasurer) to file quarterly reports with the FEC for the year 1985.

These matters are clearly related, for it was during the first quarter of 1985 that the party's national headquarters still remained in Washington where they had first been established.

In this context, then, please permit me to continue.

The Washington office transferred all appropriate party records for the first quarter of 1985 to Mrs. Miller at her Alabama address for the purpose of providing a centralized accounting of all party financial transactions so that all filings with the FEC would be timely and complete.

At no time whatsoever did Mrs. Miller indicate to the Washington office that she believed the materials provided, at that time, and throughout the period during which the Washington bank account (since closed) continued to exist, were inadequate, incomplete, inaccurate.

And at the time that Mrs. Miller established the second party bank account (with \$30,000 in funds transferred from the original account in Washington), and following the ongoing transfer of party records from the Washington office, she failed to provide an amended statement of registration which the Washington office provided her. She need simply have signed it and forwarded it on to the FEC. She did not do so.

The registration of the new committee by Mrs. Miller has set in place what amounts to a fraud on the membership of the party in which there now appear to be two entirely different Populist Parties when, in fact, there is one Populist Party and one Populist Party alone.

William K. Shearer, "Chairman" John Couture and Mrs. Miller contend that there are, in fact, two Populist Party entities and that the debts of the party committee registered by Mrs. Clara Sandahl in June of 1984 are not the debts of the "new" party committee.

They further contend that the "new" party is not obligated to file reports with the FEC for the 1985 period. Nothing could be further from the truth.

It is my opinion that the Populist Party National Treasurer, Faye Miller, violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file a 1985 year-end report with the FEC

which included accurate and complete records of the Populist Party's financial transactions throughout the entire 1985 period. Any filings which Mrs. Miller provided the FEC in the context of filing records for the entity known as the Populist Party of the United States (FEC ID# C00201343) cannot be either accurate or complete without the inclusion of all records for the party from the first quarter of 1985.

The debts and obligations of the Populist Party as established in Washington and registered with the FEC by Clara Sandahl have been inherited by and are the responsibility of the Populist Party which is now headquartered in San Diego and which has been registered by Mrs. Miller with the FEC.

These are the facts. All are easily verified.

To suggest, as Mrs. Miller and the others have done, that the Populist Party headquarters in Washington (and the bank account established in its name) is not the creator and progenitor of the Populist Party now operating in San Diego and its bank account (located in Mobile, Alabama and being administered by Mrs. Miller) is an absolute distortion of the truth.

For your information I am enclosing photocopies of two documents. They are as follows:

- * A letter from the first party treasurer, Clara Sandahl, to the Federal Election Commission, outlining many of the matters I have discussed in this letter. This document is marked Exhibit B. It is my understanding that the original copy of this letter and the documents which accompanied it are already on file with the FEC.
- * A letter from Michael Piper, the former executive director of the national headquarters of the Populist Party in Washington. His letter supplements the statements made by Mrs. Sandahl and provides further verification of a number of matters I have discussed in this letter. Piper's letter is marked as Exhibit C.

This is a formal complaint, then, alleging that Faye Miller violated, to the best of my understanding, two distinct requirements of federal election law as outlined above.

This is also a formal request that the FEC determine the following and acknowledge it in an official declaration:

- * That the Populist Party registered by Clara Sandahl and the Populist Party registered by Faye Miller are one and the same, and
- * That the Populist Party functioning in San Diego and of which Faye Miller serves as treasurer, is legally obligated to fulfill both all legitimate debts of the Populist Party initially established in Washington, D.C. (and registered by Clara Sandahl) and all obligations to the FEC that are required by federal law, particularly in regard to filing for the 1985 period.

The Populist Party records for 1984 have been audited by the FEC and throughout the audit period and beyond, the party's former administrators in Washington have sought to cooperate with the FEC and provide all required information, despite the problems which currently plague the party.

I believe that it is vital that the FEC take all necessary action to ensure that the party can fulfill all of its obligations stated herein. In this way the party's members can rest assured that their elected leaders have maintained their responsibilities in an honest fashion.

I do not believe that the FEC can make a complete and final judgment in any of the other matters under review which relate to the Populist Party unless the information I have provided in this letter and complaint is considered. For this reason I have taken it upon myself to address this letter to the commission.

In closing, I would like to note that the Shearer-controlled executive committee has been deliberately shutting me—the national vice chairman—out of its proceedings by mailing me notices of upcoming committee meetings, which notices have arrived as many as three days after the meeting has been conducted. Previous to this all notices had arrived on time, and Nancy Shearer, the national administrator had consistently made telephone contact with me to inform me in advance of the meetings. Miss Shearer has had access to five different telephone numbers where I can be reached, yet in none of these instances did I receive notice of the meetings, except in the late-arriving letters.

Clearly, Shearer and his associates who have taken command of the executive committee, the party's treasury, and whatever political machinery remains, are doing all in their power to stifle opposition from those, such as myself and others, who have sought to set the party's affairs straight. My own registered letter, addressed to the executive committee headquarters in San Diego, informing them that I was receiving the notices late was refused. Shearer and his associates obviously do not wish to acknowledge that there is, in fact, opposition to their activities.

For this reason I ask the Federal Election Commission to consider my complaint and take whatever action it can take to see that the party's leadership fulfill all of their legal obligations. It is evident that even I, as national vice chairman, am being frustrated in my own efforts.

If I can be of further assistance to you in this matter, please do not hesitate to contact me in writing, or by telephone at (415) 673-0116 (weekdays) or at my home (evenings) at (415) 854-3922. I am ready and willing to provide all information available to me.

I declare, under penalty of perjury, that the foregoing is true and correct, that I know the foregoing facts to my own knowledge, except as to those matters which are set forth on information and belief, and as to those matters I believe them to be true, and that if called as a witness to testify to the facts contained herein that I am competent to do so.

I thank you for your consideration in this matter.

Sincerely,

Maureen Kennedy Salaman
Maureen Kennedy Salaman

GENERAL ACKNOWLEDGMENT

NO. 201

State of California
County of San Francisco ^{SS.}

On this the 13th day of January 1987 before me,

Cathy Y Nakamura
the undersigned Notary Public, personally appeared

Maurice Kennedy Salaman



☒ personally known to me
☐ proved to me on the basis of satisfactory evidence
to be the person(s) whose name(s) _____ subscribed to the
within instrument, and acknowledged that one executed it.
WITNESS my hand and official seal.

Cathy Y Nakamura
Notary's Signature

7110 122

NATIONAL NOTARY ASSOCIATION • 23012 Ventura Blvd. • P.O. Box 4625 • Woodland Hills, CA 91364

870406

BYLAWS

I. IDENTIFICATION

Following are the Bylaws for the National Committee of the Populist Party of the United States under the authority of the Constitution of the Populist Party National Committee as done in Washington, D. C. on October 23, 1982.

II. MEMBERSHIP AND REPRESENTATION

Membership in the Populist Party is limited to one political party organization recognized by the National Committee from each state, the District of Columbia and any other area specified by the National Committee.

Representation on the National Committee shall be determined as follows:

(1) When a member state political party is qualified to place statewide candidates or presidential electors on the next general election ballot in the state, the state party is entitled to three representatives plus one additional representative for each five electoral votes of the subject state or major fraction thereof.

(2) When a member state political party was qualified in the most recent general election to place statewide candidates or presidential electors on the ballot, but is not so qualified for the next general election ballot, the state organization is entitled to three representatives.

(3) When a member political organization is not qualified to place statewide candidates or presidential electors on the next general election ballot in the state, and was not so qualified in the immediately preceeding general election, the state organization is entitled to two representatives.

8704061467

No state political organization shall be a member of the National Committee unless it pays its assessments as established by the National Committee.

The Credentials Committee shall be chosen by the executive Committee and shall have power to seat a state party organization in any National Convention or on the National Committee. Each ballot-qualified state committee shall have at least one person on the Credentials Committee.

Prior to each National Committee meeting each state political party shall file with the Credentials Committee a list of its representatives and alternates signed by the Chairman and Secretary of the member party. The most recent list so filed shall be presumed to express the intent of the state party.

III. MEETINGS

The National Committee shall hold one regular meeting each year on the first Saturday of March and such special meetings as may be required.

Special meetings may be called by the Chairman or by a majority of the Executive Committee.

Notice of all meetings shall be given in writing to all representatives of record at least 30 days prior to such meetings unless an emergency requires less notice. The order of business shall be stated in the call.

A quorum for business shall be at least one representative, credentialled by the state party, from a majority of the member state parties.

Meetings of the National Committee shall be governed by Roberts Rules of Order Newly Revised, except that the Constitution of the

National Committee, these Bylaws or any special rules adopted by the National Committee, shall take precedence in the event of conflict therewith.

Each representative of a member political party shall be entitled to one vote in all meetings of the National Committee. A representative may vote by proxy but no person may cast more than one vote.

There shall be no solicitation of funds at any National Committee meeting or Convention except as authorized by the National Committee or the Executive Committee. There shall be no sale nor circulation of literature except as so authorized.

IV. OFFICERS

The officers of the National Committee shall be elected at the first regular meeting of the National Committee following each presidential election, and the officers so elected shall be immediately installed and shall serve a term of four years.

Officers may be removed by majority vote of the National Committee.

The National Committee shall elect the following officers: Chairman, Vice-Chairman, Secretary, Treasurer and Parliamentary plus such assistant officers as may be required.

Officers need not be representatives to the National Committee but each must be a registered voter in the Populist Party affiliate in his or her state.

The National Committee may establish permanent or temporary committees at its pleasure.

In the event of a vacancy in the office of Chairman the Vice-Chairman shall immediately succeed to that office. In the event

87040561469

of a vacancy in any other office the Chairman shall appoint a qualified person to fill that office for the remainder of the term.

V. DUTIES OF OFFICERS

The Chairman shall be the chief administrative officer of the National Committee. He shall administer the affairs of the National Committee between meetings of the Executive Committee; establish an office and communications for the National Committee; appoint members of committees subject to approval of the National Committee; preside at all meetings of the National Committee or the Executive Committee and do all other things incumbent upon the Chairman to do to prosecute the interests of the Populist Party.

The Vice-Chairman shall preside at meetings in the absence of the Chairman and shall perform the other duties of the Chairman in his absence or incapacity.

The Secretary shall keep the minutes of all meetings of the National Committee and the Executive Committee, shall sign documents as required by the office and do all other things required in general of a Secretary.

The Treasurer shall account for all funds received and expended by the National Committee. Pursuant to action of the National Committee or Executive Committee the Treasurer shall make available to the Chairman such funds as may be required for the operating expenses of the National Committee, to be replenished upon presentation of valid receipts for the funds expended, and provided funds are available in the National Committee treasury.

The Parliamentarian shall advise on points of order at meetings of the National Committee and Executive Committee. The Parlia-

87040561470

mentarian shall advise on all procedural matters.

VI. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the officers of the National Committee plus whatever other persons may be selected by the officers. The Executive Committee shall manage the affairs of the Party between meetings of the National Committee and has all powers of the National Committee.

VII. FINANCIAL SUPPORT

Each member state party shall pay to the National Committee an assessment of the sum of 20 dollars every four months for each representative to the National Committee it is entitled to under these Bylaws. Such payments shall be made to the National Committee and shall be received by the National Committee no later than April 30, August 31 and December 31 of each calendar year.

The National Committee is authorized to conduct additional fundraising activities in support of its program and operations.

VIII. NATIONAL CONVENTION

The National Committee shall, during each presidential election year, call a nominating meeting or convention of the member state parties for the purpose of nominating presidential and vice presidential candidates, adopting a Platform and transacting appropriate business. The National Committee shall set the fees required of member state organizations to participate.

IX. POWERS

The National Committee has power to transact business in the name of the national Populist Party, to open a bank account or accounts, to contract for services, equipment, goods or personnel, to borrow money in the name of the national Populist Party, to recognize any group as the official party organization in each

8704061471

state and to do all other things necessary to conduct the business of the National Committee. Except when the National Committee is in session, the affairs of the National Committee shall be conducted by the Executive Committee and its powers exercised thereby.

The National Committee recognizes the autonomy of member state parties and their right to conduct and control their own internal affairs.

X. AMENDMENTS

Amendments to these Bylaws may be adopted by majority vote at any meeting of the National Committee provided that the amendment be stated in the call for the meeting and circulated to the chairman of each state party organization at least 30 days prior to such meeting.

ADOPTED by the Delegates to the Populist Party National Convention in Nashville, Tennessee this 18th day of August, 1924.

William W. Baker
Chairman

Stacy A. Nichols
Secretary

87040361472

EXHIBIT "B"

6803 Nesbitt Place
McLean, Virginia 22101
February 5, 1985

Joan D. Aikens, Chairman
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Akins:

A copy of your letter of January 23, addressed to "Treasurer, Populist Party, 130 Third Street, SE, Washington, DC 20003," has been brought to my attention. In the Federal Election Commission's Summary of Allegations which accompanies that letter, the notation is made that I, Clara Sandahl, am the "Treasurer of record," in the FEC's collection of materials relating to the Populist Party.

My name should not appear in the records of the FEC as treasurer of the Populist Party at any time after March 9, 1985 at which time Mrs. Faye Miller of PO Box 277, Dauphin Island, Alabama 36528 was elected as national treasurer of the Populist Party.

After my departure as treasurer of the party, it was my assumption that as the new treasurer, Mrs. Miller would handle the responsibility of informing the FEC of her assumption of the duties and that she would abide by all FEC regulations regarding the report of the party's financial activities to the commission. In no way can I be held responsible for her failure to do so.

Mrs. Miller did receive a pre-prepared amended statement of organization noting the changes in the party's office location, its chairmanship, and in the office of treasurer. Mrs. Miller need simply have signed the document and forwarded it to the FEC.

(A photocopy of this amended statement of organization as forwarded by certified mail to Mrs. Miller on September 19, 1985 and received by her on September 21, as well as a photocopy of the certified mail receipt signed by Mrs. Miller acknowledging that she in fact received the document is attached as Exhibit A).

That Mrs. Miller, neither at this time, nor previously, filed the appropriate information with the FEC is most unfortunate, but that, as I have already suggested, is neither my fault nor my responsibility.

The first notice that the FEC had of my status in its records as treasurer of the Populist Party came on June 29, 1984 at which time the party registered with the FEC and my name appeared as treasurer. The official address of the party at the time was the address to which your letter of January 23 was addressed. The current official address of the party, to the best of my knowledge, is as follows: 6065 Mission Gorge Road, Box 211, San Diego, California 92120, although Mrs. Miller has handled party finances from her Alabama address. The telephone number of the national committee, should you care to reach them, is (619) 282-5614.

87040561473

Federal Election Commission
Page 2

The history of the office of treasurer of the Populist Party is outlined as follows:

Upon the registration of the party with the FEC in June of 1984, I handled the duties of treasurer and administered party funds under the direction of the party's founding advisory committee.

I served in this capacity through March 9, 1985, although on August 18, 1984 the Populist Party, at its first national convention which was held in Nashville, Tennessee, chose the late Emmett Miller as the party's first duly elected treasurer. (Mr. Miller was the husband of Mrs. Faye Miller, the current party treasurer).

As the party was in the midst of its first national organizational efforts, I continued to administer the party's financial matters, although during this period the party's affairs were in fact being directed by the newly-formed executive committee of the party's national committee, the latter composed of elected representatives of the party's state affiliates across the country. (Mr. Miller, as treasurer, served as a member of this executive committee).

Following the November election, the party's executive committee met for the first time since its establishment in Nashville. At the meeting, held in Washington, D.C. on November 24, 1984, Mr. Miller personally audited the books and records of the party and the executive committee voted unanimously to assume all debts and assets of the interim committee as the heir and continuation of the founding work performed since February of that year by the interim committee. On that date Mr. Miller began to prepare to assume his official duties and plans were made to send him all of the books and records as he was now the party's official treasurer.

Unfortunately, Mr. Miller was stricken shortly after the party's executive committee meeting and was hospitalized. He died in early January 1985 before ever actually assuming his responsibilities and taking command of the party's finances.

This unexpected void in the executive committee made it necessary for me to continue handling matters which otherwise would have been passed on to Mr. Miller as the party's elected treasurer.

I functioned as party treasurer until March 9, 1985 at which time the Populist Party National Committee, in its first national meeting, held in Chicago, elected Emmett Miller's widow, Mrs. Faye Miller, as his successor and national treasurer of the Populist Party.

During the subsequent period the party began relocating its national headquarters and its administrative affairs to Phoenix, Arizona. At this time Mrs. Miller was likewise assuming her duties as treasurer, and in order to assist her in this transition period, I continued to handle all party expenses which were incurred by the party through

87040361474

Federal Election Commission
Page 3

its account at the National Capital Bank, 316 Pennsylvania Avenue, S.E., Washington, D.C. 20003, the bank which is listed in the party's June 29, 1984 statement of registration as the depository in which party funds were being maintained.

Shortly after assuming her position as treasurer, Mrs. Miller established a second and separate bank account in the name of the Populist Party. Never did I have access to, or any information concerning, this second account, other than the name of the bank at which it was established.

The name and address of this bank is apparently as follows: "Am South Bank N.A. (Tillman's Corner office) PO Drawer 1628, Mobile, Alabama 36629." Control of Populist Party account maintained at this bank has been, to the best of my knowledge, in the hands of Mrs. Miller since it was first established (presumably on March 29, 1985 or around that period), at which time \$30,000 was transferred to the account from the Washington, D.C. bank account at the instructions of the executive committee of the Populist Party National Committee, of which Mrs. Miller, as party treasurer, was now a member.

As a result of Mrs. Miller's election to the post of treasurer, it was determined that in order to comply with FEC regulations and to complete the transfer of accounting duties to the new treasurer, all party records maintained in the Washington office would be turned over to Mrs. Miller in Alabama.

In a certified letter dated June 28, 1985 and received by Mrs. Miller on July 3, she was informed that she would soon be receiving all Populist Party financial records for the period from January 1, 1985 forward. These were to be sent to her at her address in Alabama so that it would make it possible for her as new party treasurer to centralize party accounting procedures and to file all necessary reports with the FEC.

(A copy of the letter notifying Mrs. Miller of the procedural change and of the certified mail receipt signed by Mrs. Miller, acknowledging her receipt of the letter is attached as Exhibit B).

On July 30, 1985 all financial records of the Populist Party from January 1, 1985 through June 30, 1985 were sent to Mrs. Miller. She received these documents on August 5, 1985.

(A copy of the cover letter which accompanied these records, and which summarizes the contents of the records, as well as of the registered mail receipt signed by Mrs. Miller acknowledging that she in fact received the records is attached as Exhibit C).

On numerous subsequent occasions, among others, including August 14, 1985; August 23; September 21; November 4 and December 6, Mrs. Miller likewise

87040561475

received updated records of financial transactions which effected changes in the party's account in the National Capital Bank in Washington.

(Photocopies of the cover letter which accompanied these records, along with the certified mail receipts signed by Mrs. Miller acknowledging her receipt of the documents are attached as Exhibit D).

With these facts in mind, I am puzzled by Mrs. Miller's contention, as reported in the FEC's Summary of Allegations, that she "never consented to be the committee's treasurer, and that she would speak to (Blayne) Hutzel to resolve the situation."

Mrs. Miller not only constend to be the committee's treasurer, when she was elected to the post at the party's national committee meeting, but she functioned and now functions in the capacity of treasurer, accepting party financial records sent to her by the aforementioned Mr. Hutzel, depositing checks sent from Washington and other places payable to the party and paying bills of the party.

I refer you to the attached documents (Exhibits E and F), both dated April 10, 1985. They are letters signed by Mrs. Miller, and the return address, as one can clearly see, reads "Office of the Treasurer - Populist Party" at PO Box 377, Dauphin Island, Alabama 36528. This address is, of course, the address of Mrs. Miller.

Please note that in the second line of the last full paragraph on page 3 of Exhibit E, Mrs. Miller makes a personal reference to herself in the first person as being the "treasurer" of the Populist Party.

(As a supplement to these exhibits, I am also providing you with Exhibit G, a letter dated March 27, 1985 and signed by then-Populist Party National Chairman Fred Seipold. The letter is addressed to "Mrs. Faye Miller, Populist Party Treasurer." The letter is the same letter to which Mrs. Miller refers in the third line of paragraph one in Exhibit F, dated April 10, 1985).

Clearly, as early as March 27, 1985 Mrs. Miller was accepting the responsibilities of the office of treasurer, acknowledging as much by receiving letters addressed to her in that capacity. And by April 10, 1985 she had already issued letters with the return address of "Office of the Treasurer" appearing prominently on the letters. As other previous evidence cited here indicates further, Mrs. Miller had likewise carried out other actions on behalf of the party in her capacity as treasurer, most specifically establishing the bank account in Mobile, Alabama, presumably in the party's name.

Lastly, I call your attention to the letterhead of the letterhead of the Populist Party which appears over a special memorandum to party leaders. The memorandum is dated July 1, 1985. Note that the name of Faye Miller is listed as "Treasurer." A copy of this memorandum

87040561476

is attached as Exhibit H.

Mrs. Miller, to the best of my knowledge, continues to serve as treasurer of the party, having indicated, as late as January 14, 1986 that she is functioning in this capacity. Exhibit I, attached, constitutes the first and last pages of a letter written by Mrs. Miller on Populist Party stationery (which, again, includes her name on its letterhead as the party "treasurer"). Note that beneath her signature, Mrs. Miller likewise includes the title "Treasurer."

Thus, in answer to FEC Question 1.a. (which appears in "Questions to the Populist Party"): THE TREASURER OF THE POPULIST PARTY ON JULY 31, 1985 WAS MRS. FAYE MILLER OF P.O. BOX 277, DAUPHIN ISLAND, ALABAMA 36528. HER HOME TELEPHONE NUMBER IS (205) 861-6462. HER BUSINESS NUMBER IS (205) 344-5975.

The answer to FEC Questions 2.a. and 2.b. are, of course, understood: MRS. FAYE MILLER (ADDRESS AND TELEPHONE NUMBERS LISTED ABOVE) IS THE PRESENT TREASURER OF THE POPULIST PARTY AND WAS THE TREASURER OF THE POPULIST PARTY ON JULY 31, 1985 AS NOTED IN THE ABOVE RESPONSE TO QUESTION 1.a.

In response to question 3, the person answering these questions is I, Clara Sandahl. My address is 6803 Nesbitt Place, McLean, Virginia 22101. My telephone number is (703) 356-9646.

I have chosen to respond to the FEC in hopes of clearing up any misunderstandings or error of record in relation to my association with the Populist Party and my service as its treasurer. I believe in this letter you will find a complete record of the circumstances surrounding my position with the party, the termination of my position, and a detailed record of Mrs. Faye Miller's assumption of the post and of her activities as treasurer.

I hope that this will resolve any questions regarding the matter. What appears to be Mrs. Miller's failure to file necessary reports with the FEC in her capacity as treasurer of the Populist Party is clearly beyond my scope of responsibility. Mrs. Miller received all necessary materials from the Washington office with which to prepare a complete and accurate summary of the party's financial dealings (through both its Washington bank account and through the account she established in Alabama) and should have, in my judgment, abided by FEC regulations, providing the commission with the requested information.

I regret that she did not do as she should have, but under no circumstances can I accept responsibility for her failure to do so.

87040561477

Federal Elections Commission
Page 6

If there should be any further questions, please feel free to contact me at your convenience. I thank you for providing me this opportunity to answer the questions that you have addressed.

Sincerely,

Clara Sandahl

87040361478

EXHIBIT "C"

208 Fourth Street, SE
Washington, DC 20003
May 2, 1986

Reports and Filings Division
Federal Election Commission
999 E Street, NW
Washington, DC 20463
ATTN: William Baber

Gentlemen:

I wish to bring to your attention a matter which I believe deserves immediate investigation by the Federal Election Commission.

It is my opinion (based upon my intimate knowledge of the history and inner workings of the Populist Party) that when the treasurer of the Populist Party, Mrs. Faye Miller of PO Box 277, Dauphin Island, Alabama 36528, filed a registration form with the FEC for the Populist Party (which was subsequently given Identification #C00201343) that she submitted false, erroneous and incomplete information and as a result is subject to the penalties of 2 U.S.C. § 437g.

Before I proceed, please permit me to identify myself and explain my interest in this matter.

From February through December 1984 I served as the founding executive director of the national headquarters of the National Committee of the Populist Party of the United States.

The headquarters were located in Washington, DC at 130 Third Street, SE and remained at that location until they were subsequently transferred in March of 1985 to 2303 N. 44th Street - Suite 14-345, Phoenix, Arizona 85035. In approximately September of 1985 they were again relocated, this time to 6065 Mission Gorge Road, Box 211, San Diego, California 92120.

Following my resignation as executive director of the Populist Party headquarters I continued to maintain an interest in the party's affairs, and now I can see very clearly that Mrs. Miller, the treasurer, and others in leadership positions in the party are taking measures designed to absolve the party of legitimate debts incurred by the party during its 1984 organizational efforts.

The party is in debt to a number of corporate entities to the tune of some \$300,000 and it is my opinion, based upon information which has been provided to me by a spokesman for the FEC, and based upon other outside information I have obtained, that the registration of the "Populist Party of the United States" (FEC #C00201343) was done by Mrs. Miller in order to avoid repayment of these debts.

I do not believe that this serves the Populist Party well. All legitimate debts should be repaid.

87040561479

The Populist Party National Committee was registered with the FEC on June 29, 1984 by its then-treasurer, Mrs. Clara Sandahl. The FEC assigned the party Identification #CC0186726 and throughout the 1984 period the Populist Party provided the FEC with all required information.

During the 1984 period, as the party proceeded in its nationwide organizational efforts, the party, as indicated in Mrs. Sandahl's registration form, handled its financial transactions out of a bank account established at the "ational Capital Bank. The account functioned as the only authorized account of the national committee of the Populist Party of the United States until March of 1985 at which time Mrs. Miller, the newly-elected national party treasurer, instituted a second account at the AmSouth Bank N.A. in Mobile, Alabama.

The account at the Mobile bank was established with \$30,000 transferred from the account at the bank in Washington. The transfer of this \$30,000 in funds and its receipt by Mrs. Miller is noted in the initial report of receipts and disbursements filed by Mrs. Miller with the FEC, dated August 5, 1985 and received by the FEC on January 21, 1986.

Mrs. Miller describes this in the filing as the "partial reimbursement of funds by Populist Party, Inc." and subsequently reports in the list of itemized receipts that the "Populist Party, Inc." (as she describes the bank account of the Washington office) is a "political corporation," whatever that may be. She elaborates by saying, again, that it is a "partial reimbursement for funds collected and deposited in the corporate bank account."

The meaning of all of this, on its face, is ambiguous, to say the very least. I believe, however, that if the FEC were to examine all of this in detail that it would find a clear violation of federal laws relating to the accurate and complete reporting of the financial activities of political party committees.

For example, if the "Populist Party, Inc." was collecting funds on behalf of the Populist Party entity registered by Mrs. Miller, why did she then not list the Populist Party Inc. as a "connected organization or affiliated committee?" On the registration form she filed Mrs. Miller indicated that the Populist Party had no such connected organizations or affiliated committees. Nor did she note the existence of the "ashington bank account from which the funds were transferred.

Obviously Mrs. Miller has no desire to suggest to the FEC that the Populist Party, Inc. (as she has dubbed the duly registered Populist Party, ID#CC0186726) is a corporate entity which is not connected to the committee that she registered with the FEC. To do so would mean that the \$30,000 transfer of funds would be in violation of 2 U.S.C. § 441b(a).

Clearly, the Populist Party as initially registered by the first treasurer, Clara Sandahl, and the Populist Party registered by Faye Miller are one and the same. Therefore the transfer of the funds was entirely legal.

87040561480

However, Mrs. Miller's motivation in registering a new committee without indicating the relationship between the first committee and the one which she registered leaves a number of unanswered questions.

I contend that the registration of the new committee by Mrs. Miller was done for the very purpose of avoiding responsibility for a number of the substantial debts incurred by the Populist Party before Mrs. Miller assumed the post of treasurer.

This is, of course, a very serious allegation, but I firmly believe my assessment of the situation to be quite correct. It is for this reason that I have approached the FEC in this fashion.

Please note that in the initial report filed by Mrs. Miller, there is listed among the itemized disbursements the payment of \$2000 in what is described as a "professional fee" to one James Tamburro, attorney, at 5 Green Ridge Drive, Montville, New Jersey 07045.

If the Populist Party registered by Mrs. Miller is indeed, as Mrs. Miller seems to contend, a separate entity from the Populist Party registered by Clara Sandahl (and therefore not responsible for any debts incurred by this entity) why was this particular disbursement made?

While serving as executive director of the Washington office, I brought Mr. Tamburro to the attention of the party's then-national legal counsel, John Armor, who drafted Mr. Tamburro to handle the Populist Party's ballot access lawsuit in New Jersey in 1984 (well before Mrs. Miller had been elected party treasurer).

It was, thus, the Populist Party (registered by Clara Sandahl) which was indebted to Mr. Tamburro. And it was the Populist Party (registered by Faye Miller) which rightly accepted the responsibility for reimbursing Mr. Tamburro for his legal services.

If, as Mrs. Miller contends, the Populist Party which she registered had no obligation to assume the debts of the Populist Party registered by Mrs. Sandahl, why then was the payment made to Mr. Tamburro.

The answer is all too obvious: at that point in time Mrs. Miller had acknowledged and accepted the previous debts and obligations incurred by the Populist Party headquarters in Washington and was making a good faith effort to satisfy those debts.

Her tune seems to have changed, however, and she now contends that there is no liability by her Populist Party entity toward other creditors.

I cite the Tamburro payment as just one example among many other debts assumed and made good by the entity registered by Mrs. Miller.

Please note also that in registering the new committee with the FEC that Mrs. Miller described her organization as the "national committee" of the "Populist" party. However, the committee registered earlier by Clara Sandahl was described in the same fashion.

8704061481

Page 4

How, then, can there be entirely different "national committee" organizations of the Populist Party?

Why did Mrs. Miller not identify her registration form as an amendment to the previous registration papers? And if her committee, identified by Mrs. Miller as the "Populist Party of the United States" is, in fact, separate and distinct from the "Populist Party" registered by Clara Sandahl, why did Mrs. Miller not register it by noting that it was the "national committee" of the "Populist Party of the United States," not that it was the "national committee" of the "Populist" Party?

There is one Populist Party of the United States. It is this Populist Party (of which Mrs. Miller is now treasurer) which is heavily in debt and which is legally obligated to make good those debts.

I have been in communication with Clara Sandahl, the former treasurer of the Populist Party (whose name apparently appears as treasurer of record in the records of the FEC) and have obtained a copy of a letter from Mrs. Sandahl to the FEC dated February 5, 1985 (and which should be dated "February 5, 1986) in which Mrs. Sandahl substantiates in detail many of the things I have brought forth in this letter. I have enclosed a copy of Mrs. Sandahl's letter (which is already on file with the FEC, along with the exhibits which accompanied her letter) for your further information.

There are, at this time, a number of political conflicts taking place within the Populist Party which are, to be best of my understanding, beyond either the purview or the interest of the FEC.

However, I firmly believe that the aforementioned matters brought forth in this letter are of concern to the FEC and in the hope of helping set the record straight, I am bringing this to your attention.

My interest in all of this is evident: I placed much time and effort into building the Populist Party and I have no desire to see it become a debt-ridden entity tangled up in ugly lawsuits brought by legitimate creditors, nor do I wish to see it brought to its knees by illegal or unethical intrigue designed to avoid the responsibility for those debts.

I hope that the FEC will consider the facts I have brought forth in its own efforts to untangle this unfortunate situation.

Any cooperation I can provide in this matter will be readily available. I can be reached weekdays at (202) 544-1794 and evenings at 544-3903. Any correspondence may be addressed to me at 208 Fourth Street, SE, Washington, DC 20003.

Constructively,

MICHAEL COLLINS PIPER



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

plm
February 5, 1987

Ms. Maureen Kennedy Salaman
Suite 1608
1177 California Street
San Francisco, CA 94108

Dear Ms. Salaman:

8 7 0 4 0 5 6 1 4 8 3
This letter will acknowledge receipt of your complaint which we received on January 28, 1987, alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by the Populist Party Of The United States and Faye Miller, as treasurer. The respondents 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 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 the original complaint. For your information, we have attached a brief description of the Commission's procedures for handling complaints. We have numbered this matter MUR 2330. Please refer to this number in all future correspondence. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Charles N. Steele
General Counsel

Lois G. Lerner
By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 5, 1987

Faye Miller, Treasurer
Populist Party Of The United States
1921 Summer Place Drive West
Mobile, AL 36618

Re: MUR 2330

Dear Ms. Miller:

The Federal Election Commission received a complaint which alleges that the Populist Party Of The United States and you, as treasurer, may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2330. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you and the Populist Party Of The United States in 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.

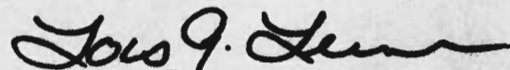
Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

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, you should advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Robert Raich, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedure for handling complaints.

Sincerely,

Charles N. Steele
General Counsel



By: Lois G. Lerner
Associate General Counsel

Enclosures
Complaint
Procedures
Designation of Counsel Statement

87040361485

RECEIVED AT THE FEC
HAND DELIVERED
87 FEB 26 AM: 16

FEDERAL ELECTION COMMISSION

MAUREEN KENNEDY SALAMAN)

RE: MUR 2330

v.)

POPULIST PARTY OF THE)

UNITED STATES, AND)

FAYE MILLER, TREASURER)

87 FEB 26 PM: 04

RECEIVED
OFFICE OF THE
GENERAL COUNSEL

AFFIDAVIT OF WILLIAM K. SHEARER
IN RESPONSE TO COMPLAINT

STATE OF CALIFORNIA)

)s.s.

COUNTY OF SAN DIEGO)

I, William K. Shearer, being duly sworn state that:

1. I am the Parliamentarian of the national Populist Party, having been elected to this office by the National Convention held in Nashville, Tennessee, on August 18, 1984, and having been re-elected by the national Committee of the Populist Party at its meeting in Chicago, Illinois, on March 9, 1985. By virtue of this office, I am a member of the national Executive Committee of the Populist Party, and have served in this capacity continually since August 18, 1984.

8704061486

2. I am an attorney by profession, duly admitted to practice before all courts in the State of California and various Federal courts including the United States Supreme Court.

3. I have reviewed the complaint filed with the office of the General Counsel, Federal Election Commission, on or about January 27, 1987 by Maureen Kennedy Salaman, and this affidavit is made in response to said complaint.

4. Mrs. Salaman's complaint is an attempt to re-litigate matters already decided by the Federal Election Commission in the matter of Michael Collins Piper v. Populist Party of the United States, and Faye Miller, Treasurer, MUR 2176. Therefore, I request that the Commission consider as part of this response certain records in the MUR 2176 file as follows:

A. The determination letter of the Commission, addressed to me on July 23, 1986 by Joan D. Aikens, Chairman of the Commission, a copy of which is attached hereto as Exhibit "A".

B. The determination letter of the Commission, addressed to Michael Piper on July 23, 1986 by Lawrence M. Nobel, Deputy General Counsel, a copy of which is attached hereto as Exhibit "B".

C. The first General Counsel's Report, dated July 10, 1986, and signed by Lawrence M. Noble, Deputy General Counsel, a copy of

8704066148Z

which is attached hereto as Exhibit "C".

D. The affidavit of Faye Miller in response to the complaint in MUR 2176, and the exhibits thereto.

E. The affidavit of William K. Shearer RE: Organization and History of the Populist Party, filed in MUR 2176, and the exhibits thereto.

F. The affidavit of Faye Miller RE: Alleged indebtedness of the Populist Party to Liberty Lobby and Cordite Fidelity Corporation, filed in MUR 2176, and the exhibits thereto.

Copies of the three affidavits and the exhibits thereto are not attached because of the volume of said documents. They are each a part of the file in MUR 2176. Additional copies will be provided if requested by the Commission or its staff. Each of the above described documents, both those attached as exhibits hereto, and those not attached are incorporated herein by reference as though set forth in full.

5. Mrs. Salaman's complaint alleges a violation of the Federal election laws on the basis of Mrs. Salaman's "opinion that Mrs. Miller filed false, erroneous and incomplete information with the F.E.C." The "false, erroneous and incomplete information" is identified as Mrs. Miller's registration of "a new Populist Party committee with the F.E.C. without either the approval of the

87040661488

party's Executive Committee or the National Committee or without dissolving the previous committee registered by her predecessor, Clara Sandahl." The allegation further states that "in registering the new committee with the F.E.C. Mrs. Miller also failed to note that the registration form was an amended form to that filed by Mrs. Sandahl. Mrs. Miller likewise failed to note the existence of the first official Populist Party bank account located at the National Capitol Bank in Washington D.C."

8704061489
The Commission has already found that "there is no reason to believe the Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. Section 433 (b)." (Exhibits "A", "B", and "C") Mrs. Miller's reasons for registering the Populist Party of the United States with the F.E.C. are fully explained in her affidavit in response to complaint in MUR 2176. No new evidence is presented by Mrs. Salaman which would justify a reversal of the Commission's prior determination in this matter.

6. Mrs. Salaman alleges that Mrs. Miller violated 2 U.S.C. section 434 (a) (4) (A) (iv) by failing to file a 1985 year end report with the Federal Election Commission "which included accurate and complete records of the Populist Party's financial transactions throughout the entire 1985 period." There is no contention made that Mrs. Miller failed to file a year end 1985 report. Mrs. Salaman contends, however, that Mrs. Miller had a duty to include in that report the activities of a separate committee, the Washington, D.C. based Populist Party committee of

which Clara Sandahl was treasurer.

This contention is clearly in error. The treasurer of each reporting committee has an independent duty to report to the Commission the activities and financial transactions of the committee for which that treasurer is registered. As Mrs. Miller sets forth in her affidavit in response to the complaint in MUR 2176 (paragraph 12, page 9):

8704061490
"Even had I desired to do so, I was never provided adequate information to permit me to honestly attest to the transactions by Mr. Carto and his employees from the Washington bank account of the Populist Party, Inc. For instance, I have never received a list of the contributors whose contributions were placed in said account, nor have I ever received copies of the cancelled checks for the account, or complete supporting information for the payments made from the account. Under the circumstances, I was not in a position to report on the transactions from the account. I consider this reporting to be the duty of those who administered the account, and control its records."

In this position, Mrs. Miller has been consistently supported by action of the Executive Committee and the full National Committee of the Populist Party.

7. In her complaint, Mrs. Salaman alleges no other violations of the Federal election laws, but makes a number of false and

undocumented charges against the Populist Party's Executive Committee with regard to matters beyond the Commission's jurisdiction. Nevertheless, for the sake of a complete record, I respond to these allegations as set forth hereafter.

8. Mrs. Salaman alleges that there is "a deliberate and well planned effort by certain members of the party's Executive Committee to avoid both the party's legitimate debts as well as the party's obligation to file accurate and timely reports with the F.E.C. as required by Federal Law;" that it is her "opinion that the party's Executive Committee, as currently constituted, has been functioning illegally, in violation of the party's bylaws;" that she has learned from former National Committee Chairman Fred Seipold "that he did not, in fact, offer his resignation at any time either orally or in writing;" and that the installation of John Couture as National Committee Chairman, "following the illegal removal of his predecessor, was part and parcel of a scheme designed... to avoid both the party's legitimate debts as well as the party's obligation to file accurate and timely reports with the F.E.C."

The Populist Party, its officers and Executive Committee deny generally and specifically each of the allegations of Mrs. Salaman as set forth in her complaint. The Populist Party has at no time sought to avoid payment of its legitimate debts, and specifically denies that the debts alleged by Mrs. Salaman to be payable to Liberty Lobby and Cordite Fidelity Corporation, and

87040561491

other entities controlled by Willis A. Carto, are either legitimate or the debts of the Populist Party of the United States. To the extent that any of said debts may be real they are the obligation of the committee which created them, the Washington, D.C. committee of the Populist Party, dominated and controlled by Willis A. Carto, and of which Clara Sandahl was treasurer.

9. Mrs. Miller, as treasurer of the Populist Party of the United States, has filed complete and accurate reports of the transactions of the Committee with the Federal Election Commission as required by law.

10. Although Fred Seipold resigned as National Committee Chairman in September, 1985, there was no contention that he had not resigned until approximately March 1986. In response to this false allegation, I personally prepared and published a complete report of the events surrounding the resignation of Fred Seipold as Chairman of the National Committee of the Populist Party. A copy of this report is attached hereto as Exhibit "D" and incorporated herein by reference as though set forth in full. Contrary to Mrs. Salaman's assertions, Mr. Seipold did resign as National Chairman in a personal conversation with me, and he specifically authorized me to convey that resignation to the members of the Executive Committee.

11. Mrs. Salaman make reference to the content of an "interim

87040561492

audit report by the F.E.C. of the Populist Party's activities during the 1984 election cycle." I am informed and believe that the report referred to is

[Reference to open matters deleted]

87040561493
12. Mrs. Salaman requests that the F.E.C. determine and acknowledge in an official declaration that "the Populist Party registered by Clara Sandahl and the Populist Party registered by Faye Miller are one and the same," and that "the Populist Party functioning in San Diego and of which Faye Miller serves as treasurer, is legally obligated to fulfill both all legitimate debts the Populist Party initially established in Washington, D.C. (and registered by Clara Sandahl) and all obligations to the F.E.C. that are required by Federal law, particularly in regard to filing for the 1985 period."

The Commission has already determined in MUR 2176 that the Populist Party registered by Clara Sandahl and the Populist Party registered by Faye Miller are not one and the same.

Consequently, the debts of the Clara Sandahl committee cannot properly be shifted to the Populist Party of the United States. Further, Mrs. Salaman apparently believes that the functions of the Federal Election Commission, whose duties are established by statute, include service as an uncompensated collection agency for Willis A. Carto's non-party corporate entities. Such contention finds no support in the statute.

13. Finally, Mrs. Salaman alleges that she has failed to receive timely notices of meetings of the Executive Committee. I have personally supervised the promulgation of these notices, and attest that all notices of Executive Committee meetings have been timely mailed to all members of the Executive Committee, including Mrs. Salaman.

14. If further information is required in response to Mrs. Salaman's complaint, respondents stand ready to provide it. Respondents submit that there is no merit to the complaint, that the issues raised therein have been previously adjudicated by the Commission in MUR 2176; and that said complaint should be dismissed by the Federal Election Commission.

Executed this 25th day of February 1987.

I declare, under penalty of perjury, that the foregoing is true and correct; that affiant knows the foregoing facts to his own knowledge, except as to those matters which are set forth on

8704061494

information and belief, and as to those matters affiant believes them to be true; and that if called as a witness to testify to the facts contained herein, affiant is competent to do so.

W. K. Shearer

William K. Shearer

8158 Palm Street

Lemon Grove, CA 92045

Subscribed and sworn to me, on February 24, 1987.

25 *mem*

Michelle C. Murphey

Notary public in and for said country and state.

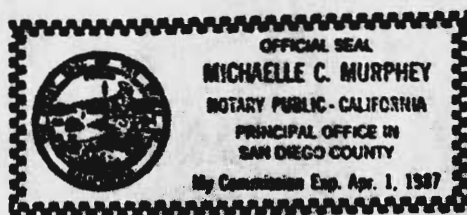


Exhibit "A"

87040561496



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

July 23, 1986

Mr. William K. Shearer
8158 Palm Street
Lemon Grove, California 92045

Re: MUR 2176
Populist Party of the
United States and
Faye Miller, as
treasurer

Dear Mr. Shearer:

On May 23, 1986, the Federal Election Commission notified your clients of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended.

The Commission, on July 17, 1986, determined that on the basis of the information available, there is no reason to believe your clients violated 2 U.S.C. § 433(b) by filing a Statement of Organization. Also on that date, the Commission found reason to believe your clients violated 2 U.S.C. § 434(b)(2)(f) by improperly reporting a \$30,000 receipt. However, after considering the circumstances of this matter, the Commission determined to take no further action and close its file.

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

The Commission reminds you that receipts your clients receive in the form of transfers from other political party committees must be reported as such on FEC financial disclosure reports. Your clients should take immediate steps to insure that their financial activity is properly reported in the future.

87040561497

- 2 -

If you have any questions, please direct them to Robert Raich, the attorney assigned to handle this matter, at (202) 376-8200.

Sincerely,

Joan D. Aikens

Joan D. Aikens
Chairman

cc: Faye Miller, Treasurer
Populist Party
P.O. Box 377
Dauphin Island, Alabama 36528

87040561498

87040461499

Exhibit "B"



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 23, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael Piper
208 Fourth Street, S.E.
Washington, D.C. 20003

RE: MUR 2176

Dear Mr. Piper:

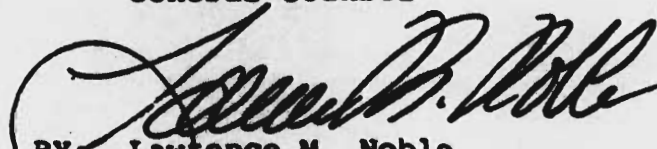
The Federal Election Commission has reviewed the allegations in your complaint received at the Commission on May 16, 1986.

Based on the available information, the Commission determined that there is no reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 433(b), and that there is reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b)(2)(f). After considering the circumstances of this matter, the Commission determined to take no further action and close the file in this matter. Accordingly, the file in this matter will become part of the public record within 30 days.

Should additional information come to your attention which you believe establishes a violation of the Federal Election Campaign Act of 1971, as amended, you may file another complaint pursuant to the requirements set forth in 2 U.S.C. § 437g(a)(1) and 11 C.F.R. § 111.4.

Sincerely,

Charles N. Steele
General Counsel


BY: Lawrence M. Noble
Deputy General Counsel

Enclosure
General Counsel's Report

8704061500

87040361501

Exhibit "C"

FEDERAL ELECTION COMMISSION
999 E. Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR: 2176
DATE COMPLAINT RECEIVED
BY OGC: May 16, 1986
DATE OF NOTIFICATION TO
RESPONDENT: MAY 23, 1986
STAFF MEMBER: ROBERT RAICH

COMPLAINANT'S NAME: Michael Piper

RESPONDENTS' NAMES: Populist Party of the United States
and Faye Miller, as treasurer

RELEVANT STATUTES: 2 U.S.C. §§ 433(b) and 434(b)

INTERNAL REPORTS CHECKED: MUR 2128

AR85-45/AR86-9

86 NF-4

Respondents' reports on file with the
Commission

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

This is a matter generated by a complaint received at the Commission on May 16, 1986 and filed by Michael Piper (the "Complainant").

Based on the information available to the Commission, the Office of the General Counsel believes the complaint results from an ongoing dispute between two factions of the Populist Party. One faction is headquartered in Washington, D.C. and is run by the persons who controlled the party's finances until March, 1985. That faction is led by Willis Carto, one of the founders of the party, and has registered a political committee with the Commission under the name "Populist Party" ("PPDC"). The other

87040561502

97040561503

faction has a treasurer located in Dauphin Island, Alabama, and is run by officers elected by the party's "national committee"^{1/} in March, 1985. This second faction registered a political committee with the Commission under the name "Populist Party of the United States" ("PPUS"). The Complainant is associated with the Washington faction. His complaint seems to be motivated by PPUS's refusal to recognize certain debts he alleges PPUS owes to a number of corporations. In its response, PPUS states that all of those corporations are controlled by Willis Carto.

The complaint alleges that by filing the Statement of Organization for PPUS, its treasurer submitted "false, erroneous and incomplete information." The complaint further alleges that in the reporting of a \$30,000 transfer from PPDC and PPUS, PPUS's treasurer committed a "violation of federal laws relating to the accurate and complete reporting of the financial activities of political party committees."

FACTUAL AND LEGAL ANALYSIS

The Statement of Organization of a political committee must include certain specified information. See 2 U.S.C. § 433(b). The Complainant contends that PPDC and PPUS are "one and the same." His position thus appears to be that it was illegal for PPUS to file its Statement of Organization. This Office notes, however,

^{1/} The term "national committee" is a designation by the party itself. It does not reflect a Commission determination that any entity of the Populist Party qualifies as a national committee within the meaning of 2 U.S.C. § 431(14).

that the available information indicates both PPUS and PPDC are active political committees, and that each is controlled by a different group of persons. Accordingly, it was proper for PPUS to file its Statement of Organization. This Office recommends that the Commission find no reason to believe the respondents violated 2 U.S.C. § 433(b).

Each report filed by a political committee must disclose certain specified information. See 2 U.S.C. § 434(b). Among the information which must be disclosed is the total amount of receipts in the form of contributions from other political committees. 2 U.S.C. § 434(b)(2)(D). Where a reporting committee is a political party committee, its reports must disclose the total amount of receipts in the form of transfers from other political party committees, regardless of whether such committees are affiliated. 2 U.S.C. § 434(b)(2)(F).

At the instance of the Populist Party executive committee, PPDC transferred \$30,000 to PPUS in March, 1985. In its 1985 Mid-Year and 1985 Year-End Reports PPUS reported that receipt as contributions from "other political committees." This Office believes PPUS and PPDC are each political party committees of the same political party. Consequently, PPUS should have reported its \$30,000 receipt from PPDC as "transfers from other political party committees." In other words, on its FEC Forms 3X, PPUS should have reported the \$30,000 receipt on line 12 rather than line 11(c). Accordingly, this Office recommends that the Commission find reason to believe the respondents violated 2 U.S.C. § 434(b)(2)(F). Due

87040561504

to the nature of the violation and the fact that the \$30,000 receipt was in fact reported, this Office recommends that the Commission take no further action and close the file.

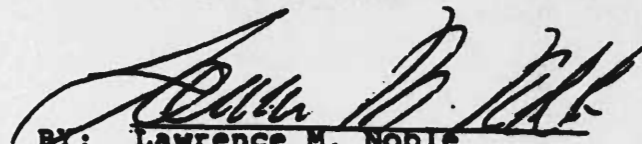
RECOMMENDATIONS

1. Find no reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 433(b).
2. Find reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(b)(2)(F), take no further action, and close the file.
3. Approve and send the attached letters.

Charles N. Steele
General Counsel

Date

7/10/86

By: 
Lawrence M. Noble
Deputy General Counsel

Attachments

1. Response to complaint
 - p. 1-17. Affidavit of Faye Miller
 - p. 18-39. Exhibits to Miller's Affidavit
 - p. 40-58. Affidavit of William K. Shearer
 - p. 59-188. Exhibits to Shearer's affidavit
 - p. 189-207. Affidavit of Faye Miller Re: alleged debt
 - p. 208-311. Exhibits to Miller's debt affidavit
2. Letters (2)

87040661505

87040361506

Exhibit "D"

The California statesman

8156 PALM ST. • LEMON GROVE, CALIFORNIA 92045

619 / 460-4484



WILLIAM K. SHEARER
Publisher

March, 1986

JOHN COUTURE IS THE ONLY NATIONAL CHAIRMAN OF THE POPULIST PARTY

by William K. Shearer, Parliamentarian,
National Committee, Populist Party

It is with regret that I find it necessary to write this article, but, in the interest of the Populist Party, the record needs to be set straight.

I am in receipt of a copy of the January, 1986 issue of the "Flying Eagle," published in Malta, Idaho. This publication utilizes a number of columns of its type to promote the fiction that Fred Seipold, former national chairman of the Populist Party, has not resigned, and is still chairman. The editor knows this contention is false, and has apparently published the described untruth for the specific purpose of spreading dissension in the Populist Party, and has done so at Seipold's encouragement.

No one was more in Fred Seipold's corner than I was at the time he was elected national chairman in March, 1985. In fact, I had personally nominated him for the national Executive Committee when a vacancy occurred there in November, 1984. I had subsequently been among those who asked Seipold to seek the chairmanship, and I gave him full support for that office. I also voted to pay him a salary of \$4,000 a month (later reduced to \$3,000) plus expenses for combined services as national chairman and legal counsel to the Populist Party.

What I didn't know when all this was being done was that, just a few days before I nominated Seipold for the executive committee, he had written a \$1,500 check to a car dealer in Boise, Idaho, on his attorney-at-law expense account, in partial payment for an automobile, and that the check bounced. Seipold did not make the check good, and by early September, 1985, when I secured his resignation as chairman of the Populist Party, the car dealer had filed suit against Seipold on the bad check (Case No. 3L52768, in the District Court for the 4th Judicial District in and for the County of Ada, Idaho). This kind of thing certainly does not give the party the responsible image to which we are entitled from our leaders.

After Seipold's election as Populist Party chairman, the Executive Committee expected him to move out sharply with a strong program of party building. Instead, he went into virtual hiding for three months while he moved from Boise, Idaho to Phoenix, Arizona. He became almost inaccessible to everyone. We later found out that he had good cause to be inaccessible, since he was apparently hiding from his creditors in Boise.

The next hint we had that something was wrong came shortly after the March, 1985 national meeting in Chicago. Seipold had been responsible for collecting some \$3,266 in registration fees and state party assessments. These, for convenience, he had caused to be deposited in the account of the state party in Idaho. After the meeting, these funds, in the sum of \$3,266, were paid over to Seipold by the Idaho party. Seipold deposited the money in one of his personal accounts, and wrote the national treasurer a check for only \$2,766 of the sum, which check also bounced. The check was not made good by Seipold until formal demand was made on him by the Executive Committee in June, 1985.

Meanwhile, Seipold had set up shop in Phoenix. At the June meeting of the Executive Committee he informed the Executive Committee that he owned some equipment, including a duplicating machine, which he offered to lease to the party at \$350 a month for use in the Populist office in Phoenix. The Executive Committee accepted the offer, and the treasurer began paying rent on the equipment. The payments continued for three months for a total payment to Seipold of \$1,050.

In July, however, I received a copy of a letter addressed to Seipold from Galco Leasing in Boise, Idaho. Galco turned out to be the real owner of the duplicating equipment, and Seipold's ex-law partner also had an interest in the equipment as co-signer with Seipold on the Galco lease.

Without the consent of either Galco or his ex-partner, Seipold had removed the property from Idaho to Arizona, and had quit making payments under the lease, although he was being paid for use of the equipment by the Populist Party. In the end, in order to avoid a lawsuit in Idaho, the party had to pay \$1,180 to the lessor. Thus, thanks to Seipold's duplicity, the Populist Party has paid twice for the rental of the equipment.

In July, 1985, the phone bill on the party's Phoenix office was overdue. The money was on the way to Seipold from the treasurer, and he knew

this, so he went to the Mountain Bell Telephone Company and gave the company a personal check for the bill in the amount of \$1,149.73. A day or so later, the full sum of money, to reimburse Seipold for the payment to Mountain Bell, arrived and was deposited to Seipold's personal account. But his check to Mountain Bell bounced, and was not made good, even though Seipold had been fully reimbursed for the payment. The Executive Committee did not know that Seipold's check had bounced until September, 1985, when the party's office phone was disconnected.

The headquarters Seipold had rented in Phoenix was grossly inadequate, but the party paid rent on it for June, July, and August, 1985. On or about Thursday, August 20, Seipold told

SINCE 1927
Manufacturers of Quality
Candies



444 Colton Ave. P.O. Box 129
Colton, California 92324
Lon L. Laymon Area Code 714/825-4408

87040561508

my daughter, who was serving as administrator in the office, to take Friday off. When she returned to work on Monday, August 26, she was astounded to find that the party no longer had an office, even though it had been paid for. Seipold had removed all of the party's possessions and records from the office, placed them in a garage, and ordered calls to the office transferred to my daughter's apartment in Phoenix.

Seipold ultimately arranged for a new headquarters, but gave the landlord a personal check which he told the landlord not to negotiate, claiming that money was on the way from the treasurer. This was untrue. None of the arrangements for the replacement office had been presented to or approved by the Executive Committee.

Party funds were at a low ebb at this time, and one of Seipold's principal duties was to raise funds for the Populist Party. Instead of doing this, he made a secret deal with Willis Carto of "The Spotlight" to use the Populist Party's mailing list to do a fund raising mailing for Carto's publication. For this service, Seipold was personally paid \$1,000 by Carto from funds which Carto had collected in the name of the Populist Party. Carto promised to pay \$1,500 to the party for the use of the mailing list, but he never did. So "The Spotlight," rather than the Populist Party, received the benefit of the party's mailing list, plus the time and attention of the chairman who was supposed to be devoting his effort to fund raising for the party.

Seipold was employed by the Populist Party on the understanding that he would act as the party's legal counsel, but he did not maintain his license to practice law. He had been licensed only in Idaho, and in late August, 1985, I confirmed in conversation with Barbara Miller of the Idaho State Bar Association that Seipold had allowed his license to become inactive, and he was no longer authorized to practice. This clearly breached his contract with the Populist Party. What good is a \$3,000 a month lawyer without a license?

With all of these facts in hand, it was obvious that the party was headed for financial disaster if Seipold continued as chairman. If the Populist Party cannot present an image of fiscal integrity to those with whom it deals, how can we expect anyone to trust us to run a government?

WANTED

10,000 MORE READERS NOW!

IF YOU ENJOYED THIS EDITION OF
THE CALIFORNIA STATESMAN,
YOU WILL ENJOY RECEIVING THE STATESMAN
ON A REGULAR BASIS.

SUBSCRIBE TODAY
to The
CALIFORNIA STATESMAN

Subscription includes:
The Legislative Survey, Foreign Policy Review
and The American Independent

The California Statesman

P.O. Box 427
Lemon Grove, Calif. 92045

Please enter the following subscription to The
CALIFORNIA STATESMAN:

Name _____

Address _____

\$12.00 PER YEAR

☐ Cash or checks enclosed

☐ Please send bill

By early September, Seipold had the party located in a building which had not been paid for, under terms which were unknown to the Executive Committee, and with a landlord who understandably wanted his money, and who might at any time decide to lock the doors and seize all of the party's property and mailing lists.

With the concurrence of Vice-Chairman John Couture, I instructed the administrator to remove all of the party's property from the headquarters and put it in safe keeping for the party. I then confronted Seipold, by telephone and requested his resignation. He gave me that resignation orally, and agreed to confirm it in writing, although he never did. The resignation was accepted by the Executive Committee on September 15, 1985, and John Couture, who was acting as vice-chairman, automatically became chairman to fill the vacancy caused by Seipold's resignation.

John Couture has done an excellent job as chairman. Unlike Seipold, Mr. Couture has served without pay. The party's finances have been put in order, the Populist Party now has a very favorable bank balance, an efficient national administrative office, and we are able to look people in the eye, satisfied that our business affairs are being administered honestly.

I will only add that had Seipold not resigned in September, 1985, his conduct would have justified his removal for cause. I was prepared to make such a motion, had he not given me his resignation, and I have no doubt that such a motion would have been successful.

I would not have published this information had not Seipold tried to go back on his resignation. Rather than make a pretense that he is still chairman of the Populist Party, Seipold would be better advised to spend his time putting his personal financial affairs in order.

DON'T THROW YOUR VOTE AWAY ... ELECT

JAMES C. (JIM)

G R I F F I N

LT. GOVERNOR



EFFECTIVE LEADERSHIP FOR:

- Control of crime; support of capital punishment for the most serious violent crimes
- Educational excellence, and preservation of neighborhood schools
- Cutting cost of California government
- Stopping unfair utility rate increases
- Full development of California's water resources

HELP US HELP YOU!

Register And Vote

AMERICAN INDEPENDENT

American Independent Party State Headquarters
Eileen M. Shearer, Chairman
Winifred S. Laymon, Treasurer
P.O. Box 427, Lemon Grove, CA 92045
(619) 460-4484

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

MUR: 2330
DATE COMPLAINT RECEIVED
BY OGC: January 28, 1987
DATE OF NOTIFICATION TO
RESPONDENTS: 2/5/87
STAFF MEMBER: Robert Raich

COMPLAINANT'S NAME: Maureen Kennedy Salaman
RESPONDENTS' NAMES: Populist Party of the United States
and Faye Miller, as treasurer

RELEVANT STATUTES: 2 U.S.C. §§ 434(a)(4)(A)(iv)
431(4)(A)
431(16)
433(a)

INTERNAL REPORTS CHECKED: MUR 2176

Index of Disclosure Documents
Respondents' Statements of
Organization
Respondents' reports on file with
the Commission

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

The complaint in this matter, for the most part, deals with issues already decided by the Commission in MUR 2176. In fact, the complaint in this MUR attaches an unsigned and unnotarized copy of Michael Piper's complaint in MUR 2176.

In essence, the allegations in Maureen Salaman's complaint are these:

--That Faye Miller filed "false, erroneous and incomplete" information with the FEC when she registered Populist Party of the United States ("PPUS") as a political committee.

8704061511

POSITIVE

97 MAR 30 14:57

RECEIVED
FEDERAL ELECTION COMMISSION
COMMUNICATIONS SECTION

--That PPUS and the Populist Party entity in Washington, D.C. (registered with the Commission as "Populist Party" ["PPDC"]) are actually a single political committee, and that when Miller filed her original Statement of Organization for PPUS she should have noted that it was an amendment to PPDC's Statement of Organization.

--That Miller should have filed FEC disclosure reports for PPDC's financial activity.

The Commission has already considered and dismissed most of these contentions in MUR 2176 and

Salaman's complaint specifically identifies only one section of the Act that Miller allegedly violated. At the bottom of page 4, the complaint states that Miller violated 2 U.S.C. § 434(a)(4)(A)(iv) by failing to file a 1985 Year-End Report disclosing PPDC's financial activity. (Miller did file 1985 Mid-Year and Year-End Reports of PPUS's activity. PPDC has previously filed reports for 1986, but it only filed its reports for 1985 on March 18, 1987.)

FACTUAL AND LEGAL ANALYSIS

The term "political committee" means any group of persons which receives contributions or makes expenditures in excess of \$1,000 during a calendar year. 2 U.S.C. § 431(4)(A). The term "political party" means an organization which nominates a candidate for election to any federal office whose name appears on the ballot as the candidate of such organization. 2 U.S.C.

§ 431(16). All committees (other than authorized committees of a candidate and separate segregated funds) must file Statements of Organization within ten days after becoming political committees. 2 U.S.C. § 433(a).

The available evidence indicates both PPDC and PPUS have received contributions and made expenditures far in excess of \$1,000 per year. As discussed below, PPDC and PPUS consist of different groups of persons. Therefore, each is a distinct political committee, though both are affiliated with the same political party. In 1984, Populist Party presidential and vice presidential nominees were on the ballot as candidates of the party in eight states. Therefore, the Populist Party is a political party under the Act.

Both PPDC and PPUS are subject to the registration and reporting provisions of the Act. Accordingly, it was proper for Faye Miller to file a Statement of Organization and financial disclosure reports for PPUS. Similarly, PPDC must also file accurate Statements of Organization and reports of its own financial activity.

PPDC and PPUS are operating quite independently of each other. Officials of neither committee have any control over the other committee. For example, the Populist Party executive committee passed a motion requiring that all Populist Party contributions, mail, funds, or checks of any kind be forwarded to PPUS personnel. Willis Carto, who controls PPDC, replied that his staff would continue to handle contributions, dues,

87040561513

8 7 0 4 0 5 6 1 5 1 4
purchases, and questions received at his Washington, D.C. office. As another example, two corporations controlled by Carto have filed suit in Federal court against Faye Miller, as treasurer of PPUS, claiming they are owed nearly \$300,000 for services rendered between March 1984 and December 1984. (During that period, PPDC was the only existing political committee affiliated with the Populist Party). Additionally, PPDC and PPUS have both filed complaints against each other with the Commission. Clearly, these are not activities undertaken by committees consisting of the same group of persons.

All political committees, other than authorized committees of a candidate, must file either regular monthly reports or a series of reports, including a Year-End Report for any calendar year in which there is no regularly scheduled general election. 2 U.S.C. § 434(a)(4)(A)(iv).

Because PPDC and PPUS are separate political committees, PPUS and its treasurer did not violate 2 U.S.C. § 434(a)(4)(A)(iv) by filing a 1985 Year-End Report disclosing only PPUS's financial activity. Indeed, if PPUS had included in its reports the financial activity of any other committee, such reporting would have been in violation of the Act. Accordingly, this Office recommends that the Commission find no reason to believe PPUS and its treasurer violated 2 U.S.C. § 434(a)(4)(A)(iv).

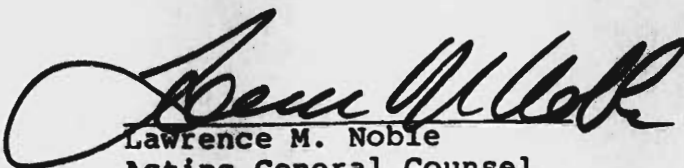
5

RECOMMENDATIONS

1. Find no reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
2. Close the file.
3. Approve and send the attached letters

Date

3/30/87


Lawrence M. Noble
Acting General Counsel

Attachments

1. Response to complaint
2. Letters (2)

87040661515

87040361516

Attachments to First General
Counsel's Report

have been removed from this position in the Public Record File either because they duplicate documents located elsewhere in this file, or because they reflect exempt information.

For Attachment	<u>1</u>	see	<u>4</u>
	<u>2</u>		<u>7</u>
	_____		_____
	_____		_____
	_____		_____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Populist Party of the United States) MUR 2330
and Faye Miller, as treasurer)

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session of April 7, 1987, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions in MUR 2330:

1. Find no reason to believe Populist Party of the United States and Faye Miller, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv).
2. Close the file.
3. Approve and send the letters attached to the General Counsel's report dated March 30, 1987.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

4-9-87

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Maureen Kennedy Salaman
Suite 1608
1177 California Street
San Francisco, CA 94108

RE: MUR 2330

Dear Ms. Salaman:

The Federal Election Commission has reviewed the allegations of your complaint received on January 28, 1987, and has determined that on the basis of the information available, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, has been committed. Accordingly, the Commission has decided to close the file in this matter. The Federal Election Campaign Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

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

Sincerely,

Lawrence M. Noble
Acting General Counsel

Enclosure
General Counsel's Report

7a



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 10, 1987

Faye Miller, Treasurer
Populist Party of the United States
1921 Summer Place Drive West
Mobile, Alabama 36618

RE: MUR 2330
Populist Party of the United
States and Faye Miller,
as treasurer

Dear Ms. Miller:

On February 5, 1987, the Commission notified Populist Party of the United States and you, as treasurer, of a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended.

The Commission, on April 7, 1987, determined that on the basis of the information in the complaint, information provided by William K. Shearer, and other information available, there is no reason to believe your committee and you, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(iv). Accordingly, the Commission closed its file in this matter. This matter will become a part of the public record within 30 days.

Sincerely,

Lawrence M. Noble
Acting General Counsel

87040561519

76



FEDERAL ELECTION COMMISSION
WASHINGTON, DC 20463

THIS IS THE END OF MUR # R330^E

DATE FILMED 11/25/87 CAMERA NO. 3

CAMERAMAN AS

87040661520