FEDERAL ELECTION COMMISSION

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

THIS IS THE BEGINNING OF MUR # 552

7 3 0 1 0 1 5 1 1 0 0

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 4, 1978

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 552(78)

Dear Mr. Luellen:

The Federal Election Commission has reviewed the allegations of your complaint dated March 10, 1978, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("The Act") has occurred.

Accordingly, upon my recommendation, the Commission has decided to close its file in this matter and in the absence of any apparent violation, to make no referral to the Department of Justice.

Title 18, Section 595, which you cite throughout your complaint, is under the jurisdiction of the Department of Justice. Should you wish that Department to consider whether any violation under this section has occurred, you are free to redirect your complaint to the Public Integrity Section of the Justice Department for appropriate attention.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 552(78).

Sincerely,

William C. Oldaker
General Counsel

sha

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 552(78)

Dear Mr. Luellen:

The Federal Election Commission has reviewed the allegations of your complaint dated March 10, 1978, and determined that on the basis of the information provided in your complaint, there is no reason to believe that a violation of the Federal Election Campaign Act of 1971, as amended, ("The Act") has occurred.

Accordingly, upon my recommendation, the Commission has decided to close its file in this matter and in the absence of any apparent violation, to make no referral to the Department of Justice.

Title 18, Section 595, which you cite throughout your complaint, is under the jurisdiction of the Department of Justice. Should you wish that Department to consider whether any violation under this section has occurred, you are free to redirect your complaint to the Public Integrity Section of the Justice Department for appropriate attention.

Should additional information come to your attention which you believe establishes a violation of the Act, please contact me. The file reference number for this matter is MUR 552(78).

Sincerely,

William C. Oldaker
General Counsel

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MUR 552 (78)
Judge David Hayes	)	

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on March 31, 1978, the Commission approved the recommendations of the General Counsel to find no reason to believe that the Act has been violated and to send the letter attached to the General Counsel's Report.

The file in the above-captioned matter has been closed.

3-31-78
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

Report dated:	March 30, 1978
Received in Office of Commission Secretary:	March 30, 1978, 11:06
Circulated on a 24 hour no-objection basis:	March 30, 1978, 4:00

March 30, 1978

MEMORANDUM TO: Marge Emmons

FROM: Elissa T. Garr

SUBJECT: MUR 552

Please have the attached 7 day report on MUR 552 distributed to the Commission on a 24 hour no-objection basis.

Thank you.

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

FIRST GENERAL COUNSEL'S REPORT

DATE AND TIME OF TRANSMITTAL BY OGC TO THE COMMISSION MAR 29 1978

MUR NO. 552
DATE COMPLAINT RECEIVED BY OGC 3/17/78
STAFF MEMBER Seyfarth

COMPLAINANT'S NAME: Robert J. Luellen

RESPONDENT'S NAME: Judge David Hayes

RELEVANT STATUTE: 18 U.S. C. §595

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

SUMMARY OF ALLEGATIONS

Luellen was a Republican Congressional candidate in the 1976 primary and has filed as a candidate for 1978. He alleges that Judge David Hayes of the Henry County Superior Court, slandered him in May, 1976, in violation of 18 U.S.C. §595. He alleges that in a hallway of the courthouse, Judge Hayes stated that he, Luellen, was not the man for the Congressional office.

Referring to our letter to him in MUR 542, where we suggested that he redirect his complaint in that matter to the Department of Justice (also a 18 U.S.C. §595 allegation), Luellen now asks that this matter be referred to the Justice Department by us.

LEGAL ANALYSIS

Slander is not covered by the Act and 18 U.S.C. §595 is not within the Commission's jurisdiction. Finally, under 2 U.S.C. §437d(a)(10), the Commission may refer "apparent" violations to appropriate law enforcement authorities. No apparent violation of any laws is stated by complainant.

RECOMMENDATION

Find no reason to believe that the Act has been violated; send attached letter advising him of this and of the Commission decision not to refer the matter to the Department of Justice, and suggesting that he write to the Justice Department.

[illegible] 3074

8012562

[redacted]

78 [illegible] 27 AM 10: 12

1521 Castle Hills Drive
New Castle, Indiana 47362
March 23, 197[illegible]

[illegible] Harris, Ref: MUR 552(78, MUR 342(7[illegible]), and MUR 537(7[illegible])
[illegible] Aikens, and my last complaint against Henry County
[illegible] Springer, Neil Staebler, Chairman [illegible] Robert [illegible] of Republican Party [illegible]
[illegible] Thomson, Robert [illegible] Tiernan [illegible]
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

D[illegible] El[illegible] Co[illegible]:

[illegible] Attorney General [illegible] State [illegible] left, [illegible]

[illegible] it [illegible] I have been [illegible] 2 U.S.C. par [illegible] par [illegible]

[illegible]

[illegible],

[illegible]

78040133217

Memorial Drive.

Charged with the theft are Dallas R. Whalen, 19, 1405 Thornburg St., and Roxanne McDonald, 18, no address available, an employee of the firm.

The theft was reported to New Castle police early this morning. Det. Darrell Jackson and Det. Sgt. James Covey conducted the investigation and made the arrests.

Kidney Week Observed

Indiana Kidney Foundation is conducting a state-wide door-to-door campaign to collect funds this week.

Designated as Kidney Week by the foundation, fund donations by residents in the Henry County area may be made by calling Mrs. Sharon Frost, 529-5655. Besides cash donations, forms also are available for prospective donors of kidneys.

Want Ads Sell Used Items Fast

The following Want Ad which appeared in The Courier-Times recently is another example of how Want Ads work.

EXTRA LONG SOFA and love seat. Ex. cond. Can be seen at...

Now is a good time to use the Want Ads to help you sell items that other people want and you no longer need. Call 529-1111 between 8 a.m. and 2 p.m. to get your ad in the following day's paper.

and Palestinian gu[illegible] and Tyre. But the shooting had die[illegible] down from pr[illegible]s days.

S[illegible]n days ago Israel lau[illegible]hed an air, land and sea attack to clea[illegible] Palestinian guerrillas from the area a[illegible]ng its northern border. The operatio[illegible] followed a Palestinian terrorist attack in Israel which killed 35 Israelis.

The Israeli announcement came as Prime Minister Menachem Begin was meeting with President Carter in Washington and as the United Nations tried to work out details of a U.N. peacekeeping force to go into southern Lebanon.

There was no immediate indication if Israel had taken a unilateral action in announcing the cease-fire and whether the Palestine Liberation Organization would go along with an end to hostilities.

The Israeli army claimed to control all of southern Lebanon up to the Litani River, except for a small area around the port city of Tyre.

A token U.N. peacekeeping force was waiting to move in when fighting stopped, but U.N. officials in New York said it could be "weeks or months" before Israel heeded the Security Council's demand to withdraw its troops from Lebanese territory.

The Israeli army reported shelling guerrilla pos[illegible] the level of firing had dropped.

Independent observers in Lebanon said the south was comparatively quiet after intensive Israeli bombardment of Tyre and other guerrilla fallback positions north and south of the Litani on Monday night.

[illegible] professional engineer in the United [illegible]tes with similar [illegible]redentials in the United Kingdom, Shakun has a Ph.D. degree from the University of Glasgow, a MSME from the University of Vermont, BSME from City College of New York, and a M3A from the University of Louisville.

Shakun

He, his wife, Gloria, and their three sons will be moving soon to New Castle.

Lincoln Day Dinner Reset

A Lincoln Day dinner scheduled for Wednesday evening by Henry County Republicans has been postponed until April 26 due to the energy crisis.

There have been no changes in the program: John K. Snyder, former state treasurer and a candidate for that office, will be the speaker.

General chairman for the event is Mrs. Judith S. Robbins, assisted by Mrs. Marylee Pope and Mrs. Ruth Hayworth. Dinner will be at 6:30 p.m. at Smith Building, Memorial Park. Tickets are available from all Republican precinct committeemen and GOP office holders.

Mrs. Robbins said that the dinner will not be postponed a second time even if it has to be held in candlelight and everyone attending has to wear a coat.

Impact of Severe Winter

ailments, home economic[illegible]ness and vocational education cl[illegible]s were most directly affected bec[illegible]e of their use of electric[illegible]. For a time, classes went to th[illegible] and utilized facilities with alterna[illegible]er sources. With the easing of curtailments to a 40 percent level and with conservation-minded scheduling, the classes are not suffering from restrictions.

This was not the first winter of fuel shortages and sky-rocketing fuel prices. In speaking of fuel predicaments, past and present, Dr. Borders cited as an example gasoline costs in the system have risen 340 percent since 1970.

Conservation and fuel flexability are the prescriptions for the system's operations. Dr. Borders feels a 25 percent reduction in electrical usage will remain a way of life in the aftermath of winter 1978. Although he did not feel immediate savings would be realized because of the cost-adjustment factor expected in utility bills for the curtailment period, he hoped savings would be realized by cutbacks as utility costs continue to rise.

Flexability is seen in the two elementary buildings under construction which have power source possibilities being built into them. The buildings can be operated by electricity, fuel oil or natural gas and in the future could be adapted to solar heating by the addition of collecting panels and condensation tanks. Should a fuel source become scarce, an alternative could be used.

In the snowiest winter of Indiana's weather-recorded history, New Castle schools missed an unheard of 12 full and two half days due to ice and snow conditions.

An elaborate network of people plays a part in the superintendent's decision to close school because of weather. The sheriff's office, state police, national weather advisors at Indianapolis International Airport, county officials, director of transportation and maintenance personnel all are consulted. The director of transportation is out checking roads by 2:30 a.m., and when school is a possibility, the building and grounds director has personnel clearing parking lots and walkways by 3:30 a.m.

Severe cold and wind chill factor, in addition to road conditions and weather predictions, have to be considered. Because the New Castle system does not transport all students attending, walking as well as driving conditions, are viewed.

A seemingly good contingency of operating on a one or two-hour delay was not as desirable as it appears, according to Dr. Borders, and for many reasons.

First, he asked, "How do you second guess the weather? How much of a delay? How long will the fog last? When will the snow or ice melt in roadways?" Also, many parents work and children could be home for an hour or so unattended. Third, traffic patterns are a major concern. Some children walk to school and traffic flow can change dramatically in an hour or two creating hazards.

In addition bus drivers often have other jobs and cannot work on delayed schedules, leaving substitutes not as used to routes or the bus driving in less than desirable circumstances. Finally, how do you notify all the staff, faculty, personnel, and students affected by such a delay, Dr. Borders asked. Three of the four groups have to be contacted individually. Obviously there are many problems.

The past two winters make it clear that fuel costs and weather have to be a major consideration in school planning. What

See DR. BORDERS, Page 2

THOMAS JEFFERSON
UNITED STATES
THOMAS JEFFERSON
THOMAS JEFFERSON
UNITED STATES
UNITED STATES 10¢

FEDERAL ELECTION COMMISSION
1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 17, 1978

Mr. Robert J. Luellen
1521 Castle Hills Drive
New Castle, Indiana 47362

Re: MUR 552(78)

Dear Mr. Luellen:

This is to acknowledge receipt of your complaint of March 10, 1978, alleging violations of the Federal Election Campaign Laws. A staff member has been assigned to analyze your allegations and a recommendation to the Federal Election Commission as to how this matter should be handled will be made shortly. You will be notified as soon as the Commission determines what action should be taken. For your information, we have attached a brief description of the Commission's preliminary procedures for the handling of complaints.

Sincerely,

William C. Oldaker
General Counsel

Enclosure

#CC 2972

MUR 552

000989

FEDERAL ELECTION [illegible]

78 MAR 15 AM 11:53

Chairman Thomas E. Harris
Federal Election Commission
1325 K Street NW
Washington, D. C. 20463

1521 Castle Hills Drive
New Castle, Indiana 47362
March 1[illegible], 1978

Dear Chairman Harris:

This is an official complaint, which involves a violation of the Act, being the Federal Election Campaign Act, as amended.

(1) My name is Robert [illegible]. Luellen, Candidate for Congress 10th District in the State of Indiana, living at 1521 Castle Hill's Drive in New Castle, Indiana 47362, and my telephone number is 31[illegible]-52[illegible]-2572.

(2) Statement of acts which violates the Federal Election Campaign Act, as amended, is that slanderous statements may have been made to myself concerning my candidacy for 10th District Congressman, in person, and I want to apply the law to this slander in [illegible] title 1[illegible], [illegible] 595, and I want no further interference [illegible] political activity, especially since I am now campaigning for the [illegible] for Congressman 10th District with election on May 2, 197[illegible], and have been duly certified by the [illegible] of State of Indiana [illegible]. [illegible] jurisdiction, [illegible] of March [illegible] [illegible] rights. [illegible] exclusive remedy for the enforcement of the provisions of this Act, [illegible] action through [illegible] appropriate [illegible] 1[illegible] [illegible] Civil [illegible] rights [illegible] 437 g [illegible] Department of Justice [illegible] we [illegible] Court [illegible] Case [illegible] cast [illegible] [illegible] welfare fraud in association

7804052175

against Judge Hayes, who is called a welfare recipient of tax money in the Cause, taking the money from those who really need it. Accuser is Frank Anderson, of RR 6, New Castle, Indiana 47362. I have this Cause date somewhere around October of 1975. Slanderous statement was made just before the primary election in May of 1976., after one prior candidacy in 1974.

(4) I am a candidate for the Congress of the United States 10th District in the State of Indiana, with election on May 8, 1978, and I am not filing a complaint on behalf or at the request of another candidate.

Very truly,

Robert J. Lugliani
Republican Party
Candidate for Congress 10th District in State of Indiana 1974, 1978 and 1980
Candidate for State Chairman 1976
Delegate from Indiana 1976
[illegible] National Committee 1977 [illegible]

Dated this 10th March 1978.
Garrett [illegible] Deputiant
Resident of Perry Co
Commission Expires 1-22-80

7804005176

Carl Sandburg